CORE VALUES: INTEGRITY, PROFESSIONALISM, RESPECT FOR DIVERSITY.

CONSULTANCY ANNOUNCEMENT

Terms of Reference

Title: National Consultant – Beneficial Ownership Transparency
Name and title of a Supervisor: Samuel De Jaegere, Anti-Corruption Advisor
Organization Unit: UNODC ISS/CEB/DTA
Duty station or home based: Maputo (home-based)
Proposed period: 12 October 2020 to 30 December 2020
Actual work time: 25 days working days
Fee range: Level B-C

1. Background of the assignment:

The United Nations Convention against Corruption (the Convention) provides a global legally binding framework for preventing and combatting corruption. Mozambique is a State party to the Convention and the Government of Mozambique is stepping up its efforts to align its national legal and institutional capacity with the requirements under the Convention. The United Nations Office on Drugs and Crime (UNODC) is the designated custodian of the Convention and provides technical assistance on anti-corruption to countries around the world. Mozambique has requested for technical expertise from UNODC, and in 2019 UNODC established an office in Maputo to support the Government of Mozambique in strengthening its criminal justice system to counter drug trafficking, human trafficking, organized crime, wildlife crime, terrorism and corruption, among others.

The Government of Mozambique approved the “Maputo Roadmap”, a strategic framework outlining UNODC’s engagement in the country in July 2020. The Roadmap was developed in a Strategic Consultation Workshop between national authorities and UNODC experts in September 2019. UNODC also organized a Multi-sectoral Anti-corruption Coordination Meeting with government officials, civil society, and partners in December 2019. This meeting identified multiple priority areas requiring technical expertise and financial support from UNODC and donors. Building on these agreed priorities, UNODC will increase its support to the Government of Mozambique to develop the national systems to effectively prevent and combat corruption.

The “Maputo Roadmap” calls for supporting the development of digitalized systems for registration of companies with beneficial ownership information. The Convention encourages States parties to promote transparency among private entities, including, where appropriate, measures regarding the identity of legal and natural persons involved in the establishment and management of corporate entities. Under the second cycle of the Convention’s Implementation Review Mechanism, the Government received a recommendation in July 2018 to “increase transparency regarding the identity of beneficial owners” and to “transparently regulate the use of subsidies and licenses for commercial activities”.

The Government of Mozambique in its Report on Transparency, Governance and Corruption (July 2019) committed to digitize the company registry and provide for public access in order to allow for easy access by ministries and civil society at the Ministry of Justice; to promote transparency in licensing by requiring reporting and publication of beneficial ownership in license applications at the Ministry of Mines; and to amend the commercial code to ensure an adequate definition of beneficial ownership and to legally compel companies that apply for or hold a participating interest in an oil, gas or mining license or contract to disclose their beneficial owner in line with EITI compliance (by 2020), as well as to ensure that beneficial ownership information is held in a publicly available registry. Transparency in beneficial ownership information was also identified as a priority area in the outcome of the Multi-sectoral Anti-corruption Coordination Meeting in December 2019.
As a follow-up to these recommendations and commitments, UNODC will support the Government of Mozambique, in close coordination with the Ministry of Justice, to undertake an initial assessment regarding companies’ beneficial ownership transparency in Mozambique. Therefore, UNODC is seeking to recruit a national consultant to support an in-depth study of the existing beneficial ownership transparency set-up in Mozambique by supporting an international consultant in his/her research. Considering the findings, this study will help to provide technical recommendations for strengthening the current set-up of beneficial ownership transparency in the country.

2. Purpose of the assignment:

Support undertaking an assessment regarding companies’ beneficial ownership transparency in Mozambique.

3. Specific tasks to be performed by the consultant:

Under the supervision of the UNODC Representative in Mozambique and the substantive guidance of the Corruption and Economic Crime Branch in UNODC HQ and guided by the international consultant, the national consultant will accomplish the following tasks to achieve the above-mentioned objective:

- Collect legislation, policies and practices on company/license registration and beneficial ownership transparency in Mozambique and share them with the international consultant for analysis;
- Identify relevant national stakeholders working on company registration and license registration in the Ministry of Justice, Ministry of Mines, Ministry of Economy and Finance, and other relevant Government departments, and set-up interviews with them;
- Review the draft report developed by the international consultant summarizing the legal and regulatory frameworks in place, the institutional arrangements and the technical systems for company/license registration and beneficial ownership transparency;
- Take part in a meeting convened by UNODC in Maputo (or virtually) where the draft study will be presented and provide an overview of the consultations held and methodology used in preparation of the report;
- Review the final draft report taking into account all comments received from experts attending the meeting.

4. Expected tangible and measurable output(s)/deliverable(s):

The consultant is expected to deliver the following tangible and measurable outputs:

- A collection of laws, policies and information on practices on company/license registration and beneficial ownership transparency in Mozambique;
- A comprehensive list of national stakeholders working on company registration and license registration in the Ministry of Justice, Ministry of Mines, Ministry of Economy and Finance, and other relevant Government departments, with contact details;
- A schedule for undertaking interviews (in person or virtually) with these national stakeholders;
- Comments on the draft report developed by the international consultant summarizing the legal and regulatory frameworks in place, the institutional arrangements and the technical systems for company/license registration and beneficial ownership transparency;
- A presentation on the methodology used in developing the report at the national stakeholder meeting where the draft report will be presented;
- A report with all the observations made by national experts on the draft report;
- Comments on the final draft report taking into account all comments received from experts
attending the meeting.

5. Dates and details of deliverables/payments:

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Output</th>
<th>Working Days</th>
<th>To be accomplished by (date)</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td>A collection of laws, policies and information on practices on company/</td>
<td>15 days</td>
<td>13 November 2020</td>
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<tr>
<td></td>
<td>license registration and beneficial ownership transparency in Mozambique.</td>
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<tr>
<td></td>
<td>A comprehensive list of national stakeholders and a schedule for undertaking interviews.</td>
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<tr>
<td>B.</td>
<td>Comments on the draft report and final report developed by the international consultant summarizing the legal and regulatory frameworks in place, the institutional arrangements and the technical systems for company/license registration and beneficial ownership transparency. A presentation on the methodology at the national stakeholder meeting. A report with all the observations made by national experts on the draft report.</td>
<td>10 days</td>
<td>30 December 2020</td>
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Payments will be made upon satisfactory completion and/or submission of outputs/deliverables. Please note that the last payment must coincide with the end of the contract and must be identical to payment phases in the engagement of consultant/IC request.

6. Indicators to evaluate the consultant’s performance

All deliverables should meet the satisfaction of the UNODC Representative ai in Mozambique and the Corruption and Economic Crime Branch in UNODC HQ UNODC (or any member of UNODC to whom the work is delegated) according to the following indicators:

- quality of materials developed and drafted;
- technical competence;
- timely completion of assigned tasks.

7. Qualifications/expertise sought (required educational background, years of relevant work experience, other special skills or knowledge required)

- Advanced university degree in law, economics, social science, or related field.
- Minimum of 5 years of relevant professional experience in legal practice, anti-corruption, governance, and/or research;
- Experience in company law is desirable;
- Excellent research skills;
- Excellent communication skills, both written and oral;
- Working knowledge of English; and
- Full command of Portuguese.
Interested candidates may send their Cover Letter, Curriculum Vitae and completed P11 Form (with contactable referees) with the Subject line “National Consultant: Beneficial Ownership Transparency” to: Dulce MANJATE: dulce.manjate@un.org (incomplete applications will not be considered)

For technical queries, please contact Dulce MANJATE. This ToR will also be available on UNODC website: https://www.unodc.org/southernafirca/en/consultancies-and-opportunities.html

Correspondence will be limited to shortlisted candidates only.

UNODC reserves the right not to make an appointment.

Deadline for submission is 2 October 2020