



Terms of Reference

Exploring opportunities for the reintegration of ex-combatants and community violence reduction (CVR) programming in the extractive sector of the DRC

I. BACKGROUND

The [OECD](#) is a global economic forum working with 37 member countries and more than 100 emerging and developing economies to make better policies for better lives. Our mission is to promote policies that will improve the economic and social well-being of people around the world. The Organisation provides a unique forum in which governments work together to share experiences on what drives economic, social and environmental change, seeking solutions to common problems.

The Centre for Responsible Business Conduct (C-RBC) is in charge of supporting the implementation of the [OECD Guidelines for Multinational Enterprises](#) (OECD Guidelines) and related [due diligence guidance](#) in the minerals, extractives, agriculture, garment and footwear and financial sectors, and provides the Secretariat of the Network of [National Contact Points \(NCPs\)](#). The OECD Guidelines are far-reaching recommendations addressed by governments to multinational enterprises operating in or from adhering countries. They provide voluntary principles and standards for responsible business conduct in areas such as employment and industrial relations, human rights, environment, information disclosure, combating bribery, consumer interests, science and technology, competition, and taxation.

More specifically, the [OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas](#) (hereafter “OECD Guidance”) clarifies how companies can identify and better manage risks throughout the entire mineral supply chain, from miners, local exporters and mineral processors to the manufacturing and brand-name companies that use these minerals in their products. The OECD’s work on responsible mineral supply chains began in 2009, after calls from the G8 and requests from the International Conference on the Great Lakes Region (ICGLR) to help develop a framework to enable responsible sourcing of minerals from conflict-affected and high-risk areas. The Guidance was developed through a multi-stakeholder process with engagement from the OECD and the ICGLR member countries, industry, civil society, as well as the United Nations Group of Experts (GoE) on the Democratic Republic of the Congo (DRC). The primary objective of the OECD Guidance is to help cut the link between mineral resources production and trade and conflict financing, human rights abuses and serious economic crimes.

Since the adoption of the OECD Guidance, the Government of the DRC has made significant advances to implement and support due diligence. In 2011, the DRC government issued a *note circulaire*, requiring all mining and mineral trading entities in the tin, tantalum and tungsten and gold sector to implement due diligence in accordance with the Guidance and UN GoE on the DRC due diligence guidelines, and submit annual reports on their due diligence to the Ministry of Mines.

In parallel, multiple private sector-led and donor supported initiatives were developed in producing regions to support supply chains due diligence efforts on the ground. Mine site assessments and risk monitoring are supported locally through multi-stakeholder “*comités locaux de suivi*” and “*comités provinciaux de suivi*”, based on the ‘information units’ recommended by the OECD Secretariat. Ever since the adoption of the OECD Guidance, due diligence programs and efforts to formalise and legalise the artisanal and small scale mining (ASM) sector in the DRC heavily focus on conflict affected and high risk

areas in the country, mainly in the South Kivu, North Kivu, Ituri, as well as more recently in Haut-Katanga and Lualaba.

II. RATIONALE OF THE PROJECT

Since the 1990s, mineral exploitation has become almost exclusively artisanal in the eastern part of the country. Over 80% of the exports of tin- and gold-bearing minerals from the DRC are extracted by such artisans. In this context, the illicit exploitation of natural resources has been one of the key drivers of the conflict in the DRC. State and Non-State armed groups reportedly earn hundreds of millions of dollars per year by directly or indirectly benefiting from the production and trade of mainly 4 resources: the ores that produce tin, tantalum, tungsten, and gold. 46% of the mines with armed interference are controlled or frequented by different armed groups, most notably the Raia Mutomboki, NDC-Rénové, Mai Mai Yakutumba, and Mai Mai Simba. In terms of those responsible for armed interference, units of the Congolese army (FARDC) were the main culprits at 66% of the affected mining sites (198 out of 265) in a 2016-2018 mapping study. Going beyond these identified dynamics, the hard work, poor pay and sometimes unfair revenue apportionment, undignified conditions, poor health and safety standards also contribute to grievances and lack of social cohesion. These small-scale artisanal mines thus contribute to the root causes of conflict (resentment, marginalization, discrimination).

Since the end of the 1990s, a key dimension of the international response to address the ongoing conflict in the country has been the design and implementation of a comprehensive and voluntary Disarmament, Demobilization, and Reintegration (DDR) of Congolese armed groups, and the Disarmament, Demobilization, Repatriation, Reintegration, and Resettlement (DDRRR) of foreign armed groups.

In New York, the Disarmament, Demobilization and Reintegration Section of the United Nations Office of Rule of Law and Security Institutions, established within the Department of Peace Operations in 2007, help former fighters reintegrate into society. Security sector reform advisers ensure that oversight and accountability are built into police, defence and intelligence services. In the DRC, the United Nations Organization Stabilization Mission (MONUSCO) supports the Government of the DRC which retains the primary responsibility for DDR initiatives. Despite the large numbers of ex-combatants who were disarmed and demobilized (more than 150,000) assessments analysing the various programmes have i. a. pointed to the fact that reintegration efforts have been less successful. Reintegration programmes were rarely effective in creating long-term livelihoods for demobilized ex-combatants in DRC, who – without the prospect of long-term employment – proved to be tempted to return to the bush and re-join an armed group in what has been termed the ‘revolving door’ phenomenon.

With the national DDR programme stalling, Community Violence Reduction (CVR) was first introduced in 2015 in DRC as a bottom-up approach to address the challenges of increasing armed violence at the community level that DDR seemed unable to address, in some cases proving beneficial to the reinsertion and mobility of ex-combatants sent back to their home communities without a solid reintegration framework in place. Considering the drawdown of MONUSCO, and the governments current efforts at establishing a national DDR framework, it has become even more crucial to improve the sustainability of nationally and locally owned reintegration and community violence reduction efforts to prevent the country from relapsing into conflict caused by re-recruitment and a lack of socio-economic opportunities. Thus, innovative approaches are urgently needed to enable communities to provide self-sustaining employment opportunities not only to former-combatants but also other community members, including women and youth-at-risk.

Notwithstanding, despite the obvious links of armed group grievances and activities to the exploitation of natural resources in the DRC, none of the current and preceding DDR/RR programmes, including Community Violence Reduction initiatives, has looked into developing approaches that explore and capitalize on economic opportunities in the extractive industries in the DRC. The mining sector in the DRC remains the most profitable of the Congolese economy which suggest that it could be able to facilitate reintegration opportunities for ex-combatants. In total, an estimated number of 500,000 miners works in the industry (with up to 90% of them working in the ASM sector) and support an even wider community through their income creation. At the same time, such an approach could counter the mobilization capacity of armed groups by reducing their revenue and potential to incentivize potential recruits while also addressing grievances expressed by communities and armed groups regarding current natural resource governance patterns.

III. OBJECTIVE OF THE PROJECT

New research aiming at monitoring and evaluating due diligence programmes efforts indicates that the successful implementation of artisanal mining reforms as well as the establishment of responsible value chains have had a significant impact on combatant and armed groups. Interviewed beneficiaries have indicated that i) the certification of artisanal mining sites has facilitated voluntary demobilization of members of armed groups (with figures of up to 60% of diggers having been part of some form of militia groups), and ii) how the validated mining sites are contributing to the prevention of youth-at-risk of recruitment by armed groups. Due to this effect, the level of control of the respective armed groups as well as armed interference has decreased at mining sites benefiting from such responsible sourcing initiatives.

It is therefore crucial for the OECD and the UN to understand the underlying dynamics of these effects to leverage this knowledge in the creation of employment opportunities for former combatants in the national extractive sector, focusing more specifically the ASM sector. At the same time, addressing these drivers of conflict and instability also adds to the success of responsible sourcing initiatives because a resulting decrease of armed interference will improve their sustainability. This project therefore aims to explore how the economic potential of the extractive sector in the DRC – especially in its eastern parts – could harbour opportunities for ex-combatants formerly affiliated with armed groups to be reintegrated into civilian life and provide opportunities for effective community violence reduction programming.

From a DDR perspective, the high number of self-demobilized combatants since the 2018 presidential election in the DRC underscores the need for new national DDR/RR framework, including community violence reduction and alternative community-based reintegration approaches for Eastern DRC, to benefit both ex-combatants and receiving communities. The proposed project may therefore help to establish alternative livelihood opportunities for people – both ex-combatants and consequently other members of affected communities into which ex-combatants reintegrate – by earning their living from labour and trade in a conflict-free mineral sector. This is also in line with best practices on natural resource governance which aim to ensure that communities adequately benefit from the resources beneath their soil.

Furthermore, as the extractive industries sector has come under more scrutiny by government, business and civil society, private sector actors have become more likely to engage in responsible sourcing initiatives and the demand for responsibly sourced minerals is growing. However, it is important that such programmes are not seen as unwarranted and unsustainable philanthropic measures but that they will evaluate reintegration opportunities for ex-combatants in the extractive industries sector and related labour-intensive fields through an economic approach. The rationale is that possible project partners are

more likely to contribute to the success and sustainability of DDR programs if they are given the opportunity to engage in economic activities based on a win-win design.

In addition to DDR outcomes, the proposed project will also substantially contribute to objectives of the OECD Due Diligence Guidance, which is to support the legalisation and formalization of artisanal mining operations in conflict affected and high-risk areas, and of ongoing in-country due diligence initiatives such as the iTSCi Programme for Responsible Mineral Supply Chains. At the regional level, this project may also contribute to the objectives of the Regional Initiative against the Illegal Exploitation of Natural Resources (RINR) within Member States of the International Conference on the Great Lakes Region (ICGLR).

Lastly, another potential programmatic entry point in Eastern Congo links to the ongoing work of DCAF, the centre for security governance, in the context of the Voluntary Principles initiative for Security and Human Rights. This initiative seeks to support responsible business conduct in complex environments through the implementation of a set of principles mutually agreed by governments and the private sector to organize the contractual relationship between the extractive industry and security providers. While originally intended for large-scale mining, DCAF's recent efforts (in collaboration with the OECD) in the DRC have been aimed at bringing the artisanal mining industry under this oversight mechanism.

IV. SCOPE OF WORK

Taking into account lessons learned – not only from previous DDR programmes, but also from attempts to mitigate risks related to the production and trade of mineral resources in conflict affected areas – the project will need to focus on conflict-sensitive and context-specific solutions. Envisaged programmatic activities (i) must not diminish income or liberty of miners by creating or engrave dependency structures, (ii) be considerate of workers' mobility, (iii) acknowledge the relationship between artisanal and industrial mining, and (iv) assess the suitability of mining specific resources for pilot initiatives. The project will also consider the specific needs and roles of men, women, boys and girls.

This initiative will therefore address the following aspects:

- Identify factors and conditions influencing whether ex-combatants peacefully engaged in ASM remain so or re-mobilise;
- Evaluate opportunities and (training) prerequisites to create sustainable livelihoods for former combatants and receiving communities in the artisanal mining sector, including through partnerships with responsible sourcing initiatives and civil society organizations;
- Identify and assess opportunities to re-integrate ex-combatants into existing business operations of extractive companies and cooperatives operating in the DRC across the extractive value chain as well as related operations and infrastructure projects;
- Identify and assess opportunities to transform armed groups into private security cells and/or other forms of security structures in support of efforts to maintain safe and secure mining sites, drawing from DDR experience in integration of ex-combatants in national armed forces and mixed units.
- Identify areas of convergence and complementarity with ongoing work related to responsible business conduct and supply chain due diligence in the ASM sector, as well as the OECD Guidance-implementation programme (for example those related to ASM formalisation and on-the-ground due diligence programmes).

- Explore opportunities in the natural resources sector for community violence reduction programming;
- Identify and assess the willingness of possible project partners such as extractive companies to engage in such value creation activities and mobilize the necessary resources;
- Examine the negotiation power of miners acting as an economic bloc; focusing on wages and working conditions; timely pay from authorized national buyers; and degree of professionalization of the artisanal industry;
- Support the government's verification efforts and help to build capacity in this field.

V. TASKS & DELIVERABLES

The consultancy is expected to take place over a period of 4 to 5 months, from mid-February to end of June 2021 approximately. This of course will be heavily influenced by Covid-19 confinement measures and ability to travel. The contractor will be responsible for the following activities:

- **Desktop literature review**

The contractor will conduct a desktop review of documentation submitted by the OECD and the UN Department of Peace Operations (DPO) to take stock of any pre-existing work related to the issue. *The contractor will also be invited to share a list of resources he intends to reference in its bid.*

- **Key interviews**

The contractor will conduct interviews of relevant stakeholders, based on suggestions provided initially by the OECD and UN DPO. *In addition, the contractor is invited to submit in its bid suggestions of stakeholders to be interviewed, coming from the private sector (formal and informal); civil society organisations; relevant government entities (e.g. Ministry of Mines; FARDC; Mines Police; etc.), technical and financial partners and relevant international organisations (e.g. UN agencies; DCAF, etc.).*

- **Report writing**

The contractor will write a report that is no longer than 50 pages exploring options for the community-based reintegration of ex-combatants as well as community violence reduction (CVR) programming throughout the extractive industries value chain as well as in economic activities conducted by local private and social investors.

The report will:

- provide recommendations that consider risks and opportunities and may build on experience from other resource-rich contexts where DDR processes are in place, such as Sierra Leone, Liberia, and Ivory Coast.
- explore the degree to which the results can be extended and applied to other settings including countries in the Sahel region and the Central African Republic.
- seek to identify communities where two pilot projects may be initiated based on the outcomes of the scoping study providing i) reintegration opportunities and ii) community violence reduction for selected economic sectors in the DRC. These two pilots should be located in areas where existing supply chain due diligence programs may be able to provide support.

The OECD Secretariat and UN DPO, with support from MONUSCO, will review one to two drafts of the report, and provide feedback to be integrated by the contractor.

The expected outcomes of the report are:

- To provide national authorities, DDR practitioners and MONUSCO leadership in the DRC with effective opportunities in the natural resource sector to support the socio-economic reintegration of ex-combatants into civilian life and empower communities to reduce levels of violence as part of a new national DDR framework;
- To provide other DDR practitioners in peacekeeping operations, special political missions, and non-mission settings where natural resources are a conflict driver with guidance on similar extractive industries focused economic reintegration and community violence reduction approaches;
- To provide strategic and operational recommendations for strengthening the interlinkages between DDR processes and ongoing in-country initiatives related to the implementation of due diligence measures in the artisanal mining sector/domestic supply chains of minerals.

VI. MINIMUM REQUIREMENTS FOR BIDDERS

Candidates responding to this market consultation shall demonstrate the following minimum requirements:

- Subject matter expertise on
 - Disarmament, Demobilization, and Reintegration policies and programs;
 - Community Violence Reduction;
 - extractive sector and mineral supply chains;
 - artisanal and small-scale mining sector;
 - OECD Due Diligence Guidance on Responsible Supply Chains of Minerals and its implementation programme.
- 5-10 years of relevant country experience in resource-rich countries, including the DRC
- Contractor and/or affiliates based in the DRC or demonstrated capability to work with experts in the DRC; if the bidder plans to work with experts in the DRC, the bidder needs to submit the CVs of experts featuring clear references to the required expertise, as well as a description of the tasks they would carry out and how the quality of their work would be assured
- Demonstrated research, analytical and drafting skills (including conducting interviews with various stakeholder groups)
- Demonstrated project management experience is not mandated, but is a benefit
- Availability to carry out all activities within 6 months of signature of the contract (expected start date mid-February / March 2021).
- Language skills
 - Proficiency in French and English is required
 - Proficiency in Swahili and Lingala is not mandated, but is a benefit.

VII. RESPONDING TO THE MARKET CONSULTATION

The **deadline for submitting proposals is 1 February, 2021**. Applications should be sent by email to rbc@oecd.org. Offers received after this deadline may not be considered.

Candidates may consider forming a consortium when bidding, considering the variety of skills covered by the market consultation and strict OECD travel restrictions relating to Covid-19 and security conditions in the DRC that apply to contractors. In case in which consortium or sub-contracting arrangements are proposed, the qualifications of all the individuals planned to work on the project should be included. Please also note that the OECD will only sign one contract for this component of the project with the lead consultant, who will have to make arrangements with possible partners or sub-contractors him/herself. In case of consortia bids, the lead entity or individual needs to be clearly identified.

To participate in this market consultation, interested bidders are requested to provide a technical offer (comprising of a concept note, an indicative work plan, CVs and writing sample) and budget proposal.

Concept note

Candidates responding to this market consultation shall provide a concept note demonstrating or describing the applicant's achievement of the minimum requirements listed under Section VI. The concept note should likewise detail the governance of the project (i.e. the project team and roles and responsibilities by team member). It may also include an outline of the report.

Curricula Vitae

Candidates responding to this market consultation shall provide the Curricula Vitae of all team members which provides further details on the relevant expertise / experience of team members pertaining to the minimum requirements.

Writing sample

Candidates are requested to submit a writing sample from relevant previous work experiences in English to demonstrate their written proficiency in English and analytical skills.

Budget

Candidates responding to this market consultation shall provide a budget proposal for the deliverables described above. The candidate is invited to submit a financial proposal detailing to the greatest extent possible the number of days, staff and sub-total cost associated to each main task and activities (e.g. desk review, interviews, drafting of the report). **Please note that payment is against the successful submission and approval by the OECD of the deliverable**, not against a number of days worked.

The proposal should include an indication of the daily rate of each member of the contractor(s) team and the total amount excluding taxes, *and* including any applicable taxes. If needed, travel will be calculated and covered by the OECD separately but an estimate should be submitted.

Travel

The proposal should include an outline of the travel planned within the DRC for the purpose of this research. This will allow the Secretariat to initiate, if needed, the approval process required by OECD internal rules (see section *VIII. Additional Items – travel* down below).

Questions / points of clarification

If candidates need any clarification on the Terms of Reference or procurement process, they can submit their questions by email to rbc@oecd.org prior to 1 February 2021.

VIII. Evaluation criteria and weighting

The OECD Secretariat will evaluate all applications meeting the minimum requirements described above. The evaluation will be carried out upon the criteria described below. Shortlisted candidates may be invited to participate in interviews in order to clarify and assess their proposals.

The OECD will assess the proposals against the following criteria and weighting, based on the information provided during the Application Process:

Table 1. Evaluation criteria and weight

Criteria	Weight
Subject matter expertise and experience	35%
Experience carrying out relevant assessments/ evaluations	25%
Ability to carry out the ToR <ul style="list-style-type: none">• Proficiency in English and French• Language proficiency in one or more relevant languages beyond English & French• Availability during the timeframe indicated under section	15%
Financial offer	25%

VIII. ADDITIONAL ITEMS

Language

The outline, drafts and report will be written in English (UK spelling). The report will be translated into French subsequently by the OECD.

Travel

Due to serious and likely continued constraints, the contractor will be expected to be based in the DRC or work with experts in the country, including through MONUSCO, able to carry out field research as appropriate and necessary as international travel to the DRC is likely to remain restricted by OECD travel rules (which apply to contractors).

It is important to note though that even DRC-based consultant will require approval by the Office of the Secretary General of the OECD to travel into high-risk areas in North and South Kivu as well as Ituri provinces.

Management

The project will be managed by the OECD Secretariat. The contractor is expected to work closely with the OECD Secretariat and update the Secretariat on progress against the scope of work, challenges and preliminary findings.

The UN Department of Peace Operations (DPO) and its Section on Disarmament, Demobilization, and Reintegration Section (DDRS) will be closely associated to the management of the project, and will in particular assist with the coordination required with UN agencies operating in the DRC.

Publication

All OECD publications should be coherent with the [OECD Style Guide](#), including the bibliography. Contractors are expected to draft the report accordingly.

The final report will be published under the responsibility of the Secretary-General of the OECD. A joint publication between the OECD and UN DPO outlining the major findings and recommendations stemming from this report will be released alongside the report.

Intellectual Property

Any intellectual product that results from this framework contract shall be the property of the OECD.