

CONSULTANCY

Purpose: Building a Joint Reference Framework of Constructive Interactions between aid actors and the authorities in Afghanistan to enhance principled delivery of assistance

Country: Afghanistan

Unit/department: Afghanistan Country Office

Duration: September 2024 to March 2025

Location: All of Afghanistan

Reporting to: Steering Committee

This is a joint consultancy project co-led by the Danish Refugee Council (DRC), Handicap International (HI) and Mercy Corps (MC)

Background information

Aid workers in Afghanistan face numerous hurdles, including increasing bureaucratic restrictions, various national and international political pressures, and other obstacles which are exacerbating needs and challenging principled action.¹ The national regulatory frameworks are highly restrictive and create obstacles to principled programming. Donor restrictions (real or perceived), have led to constraining policies which have put pressure on aid actors' humanitarian space. Aid actors also self-censor or apply a conservative interpretation of what donors are willing to tolerate, without necessarily feeling empowered to request clarifications.

Many aid implementers are lacking clarity on what is acceptable considering legal frameworks and international norms to allow for principled interactions with the authorities. Safeguarding and, where possible, expanding NGO operating space, requires operational clarity on how to navigate restrictions, whether coming from the authorities, donors or member states. Despite some improvements observed throughout 2023 in terms of increased principled technical engagement with the authorities, restrictions remain challenging to navigate. Such challenges and disagreements around acceptable avenues for interaction with the authorities often lead to a lack of coherence in aid actors' engagement practices with authorities, which in turn undermines trust and results in greater interference attempts. At the same time, high levels of scrutiny from donors and various actors outside of Afghanistan on aid actors' interactions with the authorities increase bureaucratic impediments¹ (including various levels of restrictions, multiple reports and lengthy requests for approvals) and disempower aid actors on the ground.²

There is a growing literature on engagement in 'politically estranged' settings.³ The output from this consultancy would provide guidance on how to operationalize some forms of principled engagement that would be necessary for aid actors to enhance principled delivery of assistance. The consultancy will rely on available policies and frameworks, such as the donor complementary principles and considerations for ACG donors support to Basic Needs and Livelihoods in Afghanistan, as well as make sure to factor in ongoing complementary work being led by the ACG and its members, OCHA, as well as other actors such as research institutes.

Purpose of the research and intended use

The overall objective of this consultancy is to identify an interaction reference framework between aid actors and the Afghan authorities with the aim to strengthen NGO operating space and promote the delivery of aid in an effective and principled way. To achieve that, the consultancy will create space for dialogue between all actors involved in the principled delivery of assistance in Afghanistan and identify which interactions are necessary and acceptable between aid actors and the Afghan authorities.

The consultancy will provide clarity on the national and international regulatory frameworks, including legal restrictions, as well as current donor positions, depoliticizing further the aid response. It would serve as an operational

¹ See [Principled Humanitarian Action in Afghanistan](#) (June 2023)

² See <https://www.passblue.com/wp-content/uploads/2023/11/231109-SG-letter-of-8-November-Afghanistan.pdf> (November 2023)

³ See Chatham House, [Aid strategies in politically estranged settings](#), research paper, April 2023.

guidance on constructive interaction modalities with authorities in order to increase coherence in aid actors' engagement with the authorities and to therefore enhance principled delivery of humanitarian and basic needs activities in a politically estranged setting such as Afghanistan.

The purpose of this reference framework is to serve all operational aid actors in the response. To this end, the final product may be handed over, in part or in full, and upon endorsement from the Steering Committee, to a coordination body within the response, e.g. HAWG, HCT, ACBAR. This would ensure the tool remains relevant and operational for all actors.

Scope of work and preliminary methodology

The full methodology for this exercise would be developed with a selected consultant / consultancy team. A desk review complemented by a qualitative and participatory approach mixing in-depth key informant interviews and workshops with key stakeholders is proposed.

A preliminary outline of the analytical steps and proposed outputs would be:

1. Conduct a detailed desk analysis of legislative frameworks regulating the interactions between aid actors and authorities, including at least:
 - 2005 Afghanistan NGO Law and 2022 Tarzalamal – that should also include key directives and decrees impacting humanitarian and basic needs action circulated since August 2021.
 - International laws and standards guiding the provision of humanitarian and basic needs assistance, including humanitarian principles, and their application in the Afghanistan response.
 - International sanctions on various Afghan entities and individuals.
 - Donor' restrictions and policies on the delivery of humanitarian and basic needs aid in Afghanistan.
2. Develop a comprehensive mapping of all current interactions between aid actors and the authorities: from the facilitation of monitoring visits to consultations and training, as well as resource transfer. This should be done in consultation with aid actors (agencies and organizations) and include a guided workshop with representatives. There will be no mandatory written output for this exercise; it should though frame what would be included in the suggested joint interaction framework.
3. Based on these two initial steps, establish which of the interactions can be considered as best practice and those that would need to be avoided or backtracked from. This should include:
 - a. Conduct a comparative analysis with current practices approved or constrained by donors, including which ones would fall within a grey, undefined, area. This analysis should be based on in-depth consultations with representatives of donors and other relevant funding bodies.
 - b. Conduct a comparative analysis with current practices encouraged or prevented by the authorities. This analysis should be conducted as a consultation exercise and include a guided workshop.
4. Deliver a joint interaction framework with necessary and acceptable practices that would allow for enhanced principled action, taking into consideration opportunities and challenges arising from the different practices and positions adopted by aid actors/donors/authorities and other relevant bodies.

Throughout this consultancy, a step-by-step approach will be adopted to ensure continued adaptation to the contextual changes and developments, as well as follow the recommendations and guidance from its governance body (see below section on Governance modality).

Research, Follow up and Learning

The preliminary findings of each deliverable will be presented to the Technical Committee for feedback and inputs before final review and endorsement by the Steering Committee. In addition, working sessions with both committees will be conducted to review each deliverable report.

Research Principles

The views expressed in the reports and reference framework shall be based on the independent and professional opinion of the consultant, grounded in the outcomes of the data collection and analysis conducted. The research should be conducted in a transparent and independent manner. The research will be guided by the following ethical considerations:

- Openness – of information given to the highest possible degree to all involved parties.

- Confidentiality and data protection – measures will be put in place to protect the identity of all participants and any other information that may put them or others at risk.
- Public access – to the results when there are not special considerations against this.
- Broad participation – the relevant parties should be involved where possible.
- Reliability and independence – the research should be conducted so that findings and conclusions are correct and trustworthy.

Follow-Up and dissemination

The dissemination of the final product shall include, at minimum:

1. Presentation workshop (possibly in person) targeting representatives of key donor countries and other relevant bodies and authorities' representatives as appropriate, as the product should facilitate joint actions to increase aid actors' operating space. This will have the aim of facilitating the agreement, or at least recognition, among participants on minimal necessary and acceptable practices in relation to the interaction between aid actors and the authorities in Afghanistan.
2. At least four in-country presentations (HCT, ICCT, HAWG, ACBAR and others if deemed appropriate)
3. At least one presentation of final product to donor coordination platforms (that can include SOM members as well as the Afghanistan Coordination Group).

The research team would be required to attend such events, to share findings, experiences etc.

Coordination and management

External coordination:

- This initiative will be closely coordinated with the HAWG chairs and members to complement existing documents such as the JOPs and ongoing initiatives aimed at strengthening joint positioning in the humanitarian community.
- This initiative will be closely coordinated with ongoing initiatives led by OCHA, other aid actors and research institutes.
- This initiative will be closely coordinated with the donor community and in particular working groups led by the ACG and its members.

Governing modality

A. Steering Committee

The consultant will be led by a Steering Committee. The Steering Committee members will be invited to a kick-off meeting with the selected consultant to review and finalize the research lines of inquiry prior to the start of data collection. The steering committee will make decisions based on the majority, not based on consensus building, to ensure the committee can drive decisions and be valuable contributors to the research. The Steering Committee comprised of UN, civil society representatives and donors will oversee the administration and overall coordination, including monitoring progress of the research.

B. Technical Committee

The consultant will be supported by a Technical Committee; this committee will provide technical expertise and guidance on principled delivery of assistance and principled engagement with authorities. This group will oversee the technical content and monitor the progress of the research, including assessment of risks and support in updating mitigation measures as required.

Deliverables and Reporting Deadlines

The research consultant or team will agree with the lead organisation on a timetable of deliverables for the research period, such that the data and observations collected can be instrumentalized in real time in appropriate in-country forums. Ultimately, the research team will submit five reports and a presentation deck. As well as at least four in country presentations, and one international invite only presentation; the deadlines are to be agreed with the consultant.

- **Inception report**: Following the desk review and prior to beginning fieldwork, the consultant will produce an inception report subject to review by the Technical Committee and approval by the Steering Committee. This report will detail a draft work plan with a summary of the primary information needs, the methodology to be used, and a work plan/schedule for eventual field visits, events and major deadlines. With respect to methodology, the consultant needs to provide a description of how data will be collected and a sampling framework, data sources, and drafts of suggested data collection tools such as questionnaires and interview guides. Once the report is finalised and accepted, the consultant must submit a request for any change in strategy or approach to the Technical Committee, that would then be approved by the Steering Committee. First draft inception report is due within 14 days after the final signature of the contract and final version submitted no later than day 21.
- **Draft legal analysis report**: A draft report needs to be submitted to the Steering Committee no later than day 60-64, with a presentation on key findings. Continued coordination and review from the Technical Committee is expected throughout the drafting time (at least 2 check-ins).
- **Final legal analysis report**: Submission is due within 75 days from the signature of the contract to the Steering Committee after approval given by the Technical Committee.
- **Draft reference framework (operational tool)**: A draft reference framework needs to be submitted to the Steering Committee no later than day 100, with a presentation on key points. Continued coordination and review from the Technical Committee is expected throughout the drafting time (at least 3 check-ins).
- **Final reference framework (operational tool)**: Submission is due within 120 days from the signature of the contract to the Steering Committee after approval given by the Technical Committee.
- **Five presentations**: These are in country and international presentations (may be virtual, but attendees will be Afghanistan-level attendees) with relevant stakeholders invited to a presentation of the findings, lessons learned and follow up. Presentations shall take place between day 120 and day 150 of the consultancy period as agreed with the Steering Committee.

All material collected in the undertaking of the research process shall be submitted to the Chairs of the Technical and Steering Committees prior to the termination of the contract. The language used for the deliverables will be English.

Timeframe and Budget

Proposals submitted should present a budget for the number of expected working days over the entire period of the research including the development of inception report, tools, planning and conducting fieldwork, analysis, reporting and presentations. The total budget will be analysed based on timeline, deliverables and workplan.

The researcher/ team lead is expected to provide a suggested timeline and work plan for the Research based on these scheduling parameters and in keeping with the scope of the scope of work and suggested methodology. Considering the complicated issue of engagement in Afghanistan, this factor should be kept in mind for the proposal, but an understandable level of flexibility will be provided to researchers based on this.

In event of serious problems or delays, the researcher/ team leader should inform the Steering Committee immediately. Any significant changes to review timetables need to be approved by the Steering Committee in advance.

Experience and technical competencies:

- 10+ years of experience with working in humanitarian contexts (preferably in conflict zones)
- Strong understanding of the political and humanitarian context in Afghanistan and the region.
- Ability to analyse quantitative and qualitative data, including qualitative data collection techniques.
- Experience with UN, INGO, donors and coordination forums.
- Strong knowledge and understanding of protection, refugee rights and international humanitarian law.
- Sound and proven experience in using evidence and learning to develop operational tools.
- Extensive experience of theories of change and how they can be used to carry out research.
- Either locally based or experienced with a team including Dari / Pashto speakers
- Experience with similar research.

Behavioural competencies:

- Fluency in written and spoken English is required.
- Extensive experience working in conflict zones, prior experience in Afghanistan preferred.
- Proven experience of managing humanitarian projects’ research and policy work.

For the proposal, please submit:

1. Technical Proposal (no more than six pages) outlining how the consultant or consultancy company will undertake the project, including
2. The background of the consultant or company (incl. a summary of the relevant qualifications and experiences of the consultant or consultancy company)
3. The proposed methodology
4. Risk mitigation plan
5. A cover letter, including commitment to availability for the duration of the assignment
6. A financial proposal showing daily rate and associated costs.
7. Proposed workplan for the consultancy
8. 1 or more examples of similar work completed in past
9. CV of consultancy staff
10. 2 reference contacts
11. Documents proving the consultant's registration and any other documents certifying to the regularity of his/her activity.
12. Tax registration proof or license, the tax has been paid previously (if possible)
13. Proof of personal health/hospital insurance and civil liability insurance for the duration of the service commissioned by HI.
14. Consultant Bank account details in USD.

Evaluation of Consultants

- Administrative Evaluation

A bid shall pass the administrative evaluation stage before being considered for technical and financial evaluation. Bids that are deemed administratively non-compliant will be rejected. Documents listed above must be submitted with the bid.

The evaluation committee will be comprised of representatives of the 3 lead NGOs of this consultancy: DRC, HI and Mercy Corps.

- Technical/financial Evaluation

Technical/Finance proportion: 75/25

Minimum passing technical score 50

The technical criteria for this consultancy and their weighting in the technical evaluation are:

Technical criteria #	Technical criteria	Weighting in technical evaluation
1	Technical quality of the bid	35%
1.2	Demonstrated understanding of the methodology and requested deliverables, all important components of the ToR are sufficiently addressed and considered.	30%

1.3	Style, language, sophistication, and presentation.	5%
2	Expertise	40%
2.1	A strong understanding and experience with on the ground humanitarian research. Extensive experience and engagement with policy and advocacy around complex humanitarian context. Proven experience in Afghanistan. Experience conducting similar studies and/or building operational tools on humanitarian access and principled delivery of humanitarian assistance.	30%
2.2	Proven experience in presenting and disseminating research and operational tools to internal and external stakeholders	10%
3.	Financial Evaluation*	25%
	Total Maximum Score	100%

SUBMISSION

Proposals must be submitted to a.rasuly@hi.org with the email subject line "Building a Joint Reference Framework." The submission deadline is **September 23, 2024**, based on Kabul date and time.

INFORMATION

Consultants may request clarification on any part of the TOR. Please send any clarification requests by email to a.rasuly@hi.org and manon.radosta@drc.ngo with the subject line "Building a Joint Reference Framework Consultant Enquiry" no later than **September 13, 2024**.