

TERMS OF REFERENCE
**CONSULTANCY TO PREPARE A SCOPING STUDY ON THE HUMAN RIGHTS
IMPLICATIONS OF THE ENERGY TRANSITION IN SUB-SAHARAN AFRICA**

The Danish Institute for Human Rights (Denmark's national human rights institution) is seeking one or two consultants to prepare a background paper analysing the energy transition in select Sub-Saharan African countries, focusing in particular on associated human rights implications.

BACKGROUND

The Danish Institute for Human Rights (DIHR) is supported by the Permanent Mission of Denmark to the United Nations in Geneva in its project called '[Responsible business conduct in Sub-Saharan Africa: Fostering implementation of the United Nations Guiding Principles on Business and Human Rights \(UNGPs\) in Ethiopia and Tanzania and addressing the energy and digital transitions](#)' (the Project), which focuses on promoting and implementing responsible business conduct in Sub-Saharan Africa.

One component of the Project is a sector focus at the regional level, to allow a deep dive to embed human rights in an economic sector which is currently undergoing significant transitions, namely energy (i.e. the transition to renewable energies). If implemented responsibly, the energy transition can be a vehicle for enhanced respect for human rights and realising the 2030 Agenda and its Sustainable Development Goals (SDGs).

The 2030 Agenda for Sustainable Development emphasised the need for a transformation of the energy sector away from fossil fuels towards cleaner forms of energy (SDG 7 on affordable and clean energy and SDG 13 on climate action). In addition, an increasing number of financial institutions have recently announced divestment from fossil fuels. The energy transition is critical to the sustainability of the planet and the protection of people. However, for the transition to renewable energy to take place at the scale and pace needed, the sector must also be sustainable in itself – economically, environmentally and socially. The concept of a responsible energy transition is grounded in the recognition that responsible business practices, which are consistent with human rights standards, are a precondition for a truly sustainable renewable energy sector.

**SCOPING PAPER ON THE HUMAN RIGHTS IMPACTS OF THE ENERGY TRANSITION IN
SUB-SAHARAN AFRICA**

The scoping paper is an internal deliverable as part of the Project and will serve to identify the salient human rights issues specific to the energy transition in the Sub-Saharan African region (including through analysis on three to five select focus countries) and to identify key actors and

fora involved in energy transition related dialogue and policy-setting. The scoping paper will be used to inform decisions on engagement activities under the second year of the Project (2021) and the development of a policy briefing, which will include key recommendations for state, business and civil society actors to address the human rights implications of the energy transition in the region.

OBJECTIVES OF THE CONSULTANCY

The main outputs of the consultancy are as follows:

1. A workplan and methodology note
2. A scoping paper (30-50 pages + relevant annexes) on the key human rights impacts related to the energy transition in Sub-Saharan Africa, including through analysis on three to five select focus countries (Tanzania, Ethiopia, Kenya and 1-2 others). The scoping paper should include:
 - a. An executive summary
 - b. An introduction to the scoping paper and its purpose
 - c. A description of the size and scope of the energy sector in the region and select countries, including the energy mix and an overview of the trends in types of renewables ventures
 - d. A value chain analysis of imported and produced energy ventures at the regional and national level (renewables only)
 - e. An overview of the financial institutions that fund the energy transition at a regional and national level, including a review of the financial institution standards for private and impact investing related to renewables
 - f. An overview of the applicable policy and regulatory frameworks in the region and select countries, as they relate to the energy transition and responsible business conduct (ensuring respect for human rights)
 - g. An overview of policies and activities of companies involved in the energy transition of the region and select countries
 - h. Overview of key human rights risks (actual and potential) in relation to the energy transition, in particular as it relates to the energy transition in the region. This will also include:
 - i. An analysis of key gaps in the regional and national policy frameworks, laws and regulations compared with the identified human rights risks.
 - j. A selection of short case studies from the focus countries that focus on particular energy projects and associated human rights impacts
 - k. Stakeholder mapping and analysis

The scoping paper should:

- Be presented in a manner that is accessible and that can easily be used to inform future engagement with key stakeholders on the identified key human rights issues.
- Take into account both regulatory aspects of analysed policy frameworks, laws and regulations as well as their actual and practical application and implementation.
- Include specific focus on gender and any considerations, regulations and rights that are relevant to specific vulnerable groups.
- Take into account all internationally recognised human rights – including relevant international declarations and guiding principles – while focusing the analysis on those that are most salient to the energy transition.
- Include reference to the Sustainable Development Goals (SDGs) where relevant.

The analysis developed through this consultancy will be used directly in the context of ongoing stakeholder engagement and outreach in relation to the identified human rights issues. Therefore, the format of this analysis should be such that it is easily translatable into public outputs, which means that it is preferable if simple and non-academic language is used.

TASKS AND TIMELINES

The number of days allocated for the consultancy will be approximately 25 days, to be undertaken during a 3-month period from the signing of the contract (e.g. May to July 2020).

QUALIFICATIONS AND EXPERIENCE

The consultant(s) will have at a minimum the following qualifications and experience:

- An in-depth knowledge of regional and national policy and regulatory frameworks related to the energy transition
- An in-depth knowledge of the Sub-Saharan context as it relates to energy issues and energy infrastructure
- A minimum of 5 years' experience of working on energy issues
- Knowledge of human rights and responsible business conduct
- Experience of analysing human rights risks related to governance gaps in the energy transition

If relevant, applications will be accepted from teams of two (2) consultants with complementary skills and experience.

Interested consultants should submit a short proposal (8 pages max) including an overview of qualifications to undertake this task, specific information on relevant experience, availability and a fee proposal.

Proposals should be submitted by 25 April via email to kagr@humanrights.dk