TERMS OF REFERENCE

CONSULTANCY FOR DISPUTE SETTLEMENT EXPERTS

General Information

Project Name:	African Union Commission for Building Institutions and Systems to Harness and Realize Agenda (BIASHARA) 2063
Project ID:	180117
Description of Assignment:	Consulting Services for Two (2No.) Dispute Settlement Experts
Procurement Reference :	ET-AFCFTA-484152-CS-INDV
Type of Contract:	Individual Consultant Selection - International
Reporting to:	Head of the Dispute Settlement Division
Duration of Assignment:	Twelve (12) Months

1. Introduction

1.1. These Terms of Reference (ToR) are prepared to engage two (2) Dispute Settlement Experts under the auspices of the Technical Assistance Grant for Institutional Support Project for the AfCFTA Secretariat to support the work of the Dispute Settlement Division.

2. Background

2.1. The AfCFTA Secretariat is the single organization on the continent legally established and mandated to implement the AfCFTA Agreement. The main objective of the AfCFTA is to create a single continental market for goods and services in order to deepen the economic integration of the African continent, in accordance with the Pan African Vision of "An integrated, prosperous and peaceful Africa" enshrined in Agenda 2063.

2.2. The AfCFTA Secretariat is at the core of implementing the Agreement establishing the AfCFTA and programmes designed to assist State Parties to conduct trade smoothly, predictably, and as freely as possible across the continent.

2.3. The AfCFTA Secretariat is a functionally autonomous body of the African Union established pursuant to Article 13 of the AfCFTA Agreement. Its mandate is to support the negotiations and implementation of the AfCFTA. The Secretariat comprises six (6) directorates, including the Directorate of Dispute Settlement and Legal Affairs (DSLA).

An Organ of the
African Union

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2.4. The DSLA Directorate is divided into two (2) divisions: Legal Affairs and Dispute Settlement Divisions. The Dispute Settlement Division's mandate is to coordinate the implementation of the Protocol on Rules and Procedures on the Settlement of Disputes.

2.5. The Dispute Settlement Division seeks to recruit a dispute settlement expert to assist in implementing activities within its mandate.

3. Objective of the Assignment

3.1. The Dispute Settlement Experts will be required to support the work of the Dispute Settlement Division, whose mandate is to coordinate the implementation of the Protocol on Rules and Procedures on the Settlement of Disputes.

4. Duties

4.1. Under the supervision of the Head of the Dispute Settlement Division, the Dispute Settlement Experts shall undertake the following tasks:

- Provide general legal support to the Dispute Settlement team;
- Draft or assist in the drafting and/or review of legal texts relevant to the Protocol on Rules and Procedures on the Settlement of Disputes;
- Draft and assist in the drafting of background papers, working documents, studies, reports, and legal texts;
- Draft or assist in the drafting of legal opinions or advice on dispute settlement;
- Assist senior colleagues in the servicing AfCFTA institutional meetings, conferences, committees, task forces, expert groups related to dispute settlement and other AfCFTA bodies including preparation of background materials, summaries of issues and views of delegations, meeting reports, etc
- Prepare correspondence, reports, concept notes and any other documents related to the activities of the Division;
- Assist in the review of legal documents, instruments and materials related to dispute settlement;
- Follow-up or assist in the follow-up on related decisions of the AU Policy Organs related to the Protocol on Rules and Procedures on the Settlement of Dispute and support their implementation;
- Conduct or assist in the conducting of extensive legal research and analysis;
- Develop or assist in the development of studies, reports, briefs, and correspondence; and
- Perform any other tasks as assigned by the Supervisor.

5. Academic Qualification

5.1. The candidates must be a national of an African Union Member State and are required to have the following academic qualifications:

- A minimum Master of Laws degree (LLM) in International Law (Public International Law, International Organisations Law, and International Trade Law) from a recognised

University. A first-level University degree in law [Bachelor of Laws (LLB) or its equivalent] is desirable.

6. Professional Experience

6.1. The candidates must have at least five (5) years of professional experience in the following:

- Experience in law, including legal analysis, research and writing, is required.
- Experience as a lawyer in a legal office of the secretariat of an intergovernmental organisation, or of a government ministry or department is required.
- Experience in professional legal work related to international law, especially international trade and regional integration, is desirable.
- Experience in professional legal work relating to dispute settlement law is desirable.
- Experience working with an international organisation is desirable.

7. Languages

7.1. The African Union recognises six (6) working languages namely French, English, Arabic, Portuguese, Spanish and Swahili.

7.2. The candidate must be fluent (spoken and written) in at least one (1) of the working languages of the African Union. Fluency in an additional working language is an added advantage.

8. Reporting

8.1. The Dispute Settlement Experts will report to the Head of the Dispute Settlement Division.

9. Duty Station

9.1. The Dispute Settlement Experts will be expected to work from the Headquarters of the AfCFTA Secretariat in Accra, Ghana.

10. Duration

10.1. The contract for each consultant will be for a period of one (1) year from the date of signature.

11. Evaluation and Qualification Criteria

11.1. The eligibility criteria, the establishment of a short list and the selection procedure shall be in conformity with the World Bank Procurement Regulations for the Selection of Individual Consultants.

11.2. Interest expressed by a consultant does not imply any obligation on the part of the AfCFTA Secretariat to include him/her in the shortlist.

11.3. Interested individuals must provide information on their qualifications and experience demonstrating their ability to undertake the assignment (CV and testimonials in form of

contracts or reference letters or completion of service certificates as proof of similar assignments). The consultants on the shortlist will be evaluated on the following criteria based on their updated resume and attachments.

11.4. The evaluation of qualified candidates may include a desk-based assessment exercise followed by a two-part assessment including a written test and an oral interview. The following evaluation criteria will be applied for shortlisting:

#	Criteria	Points
1.	General education, qualification and relevant training - Relevance – 15% - Attached certificates – 15%	30%
2.	Experience and technical expertise - Demonstrated five (5) years progressively responsible professional experience in law, including legal analysis, research and writing, is required. (15%) - Demonstrated experience as a lawyer in a legal office of the secretariat of an intergovernmental organisation or of a government ministry or department is required. (15%) - Demonstrated experience in professional legal work related to international law, especially international trade and regional integration, is desirable. (15%) - Demonstrated experience in professional legal work relating to dispute settlement law is desirable. (15%)	60%
4.	**Language:** (One AU language = 4; Two AU languages = 6; Three AU languages = 8; and Four and more AU languages = 10)	10%
	Total	**100%**

11.5 The minimum technical qualification is 80%. The consultants meeting the minimum technical qualification will be invited for the oral interviews. During the interviews, the candidates will be ranked, and the best will be invited for negotiations and subsequently be selected for the assignment if their fee rates are within the budget.