



## TERMS OF REFERENCE

### CONSULTANCY FOR IMPLEMENTATION REVIEW 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.) Implementation Review Mechanism Experts

**Procurement Reference :** ET-AFCFTA-485024-CS-INDV

**Type of Contract:** Individual Consultant Selection - International

**Reporting to:** Senior Advisor on AfCFTA Implementation and Policy Review

**Duration of Assignment:** Twelve (12) Months

#### 1. Introduction

- 1.1. The AfCFTA Secretariat has received financing from the World Bank toward the cost of the Institutional Support Project (ISP) for the effective implementation of the African Continental Free Trade Area (AfCFTA) Agreement and intends to apply part of the proceeds for consulting services.
- 1.2. This Terms of Reference is prepared to engage Two (2) Individual Consultants for a consultancy for the Services of Implementation Review to support the effective implementation of the AfCFTA Agreement and roll out of related implementation programmes.

#### 2. Background

- 2.1. The AfCFTA Secretariat is established as a unique Pan-African body in charge of administering, facilitating, and monitoring the implementation of the AfCFTA Agreement. At the core is the implementation of the *Agreement Establishing the AfCFTA*, negotiated, signed, and ratified by the State Parties. The goal is to ensure that trade is conducted smoothly, predictably, and, as freely as possible across the continent.

- 2.2. The Agreement establishing the African Continental Free Trade Area (hereafter also referred to as “AfCFTA”) entered into force on 30 May 2019, more than 5 years ago. As of July 2024, [47] AU Member States have ratified the Agreement and therefore become State Parties.
- 2.3. The AfCFTA is a comprehensive agreement covering the Framework Agreement, Protocols on Trade in Goods, Trade in Services and Dispute Settlement. Within trade in goods, annexes encompass commitments on market access, rules of origin (procedures), customs cooperation, trade facilitation, transit, non-tariff barriers, technical barriers to trade and sanitary and phytosanitary measures. Work is on-going on market access in goods as well as services and regulatory chapters in some services sectors. Furthermore, Phase II negotiations have added protocols on investment, women and youth in trade, competition policy and digital trade. The Agreement also contains several transparency requirements scattered throughout the body of the Agreement and protocols.

### 3. Context

- 3.1. Having been adopted by the Heads of State and Government of the African Union during their Extraordinary Summit that was held in Kigali, Rwanda in March 2018, the AfCFTA Agreement came into force on 30 May 2019 and was launched during the Extraordinary Summit that was held in Niamey, Niger on the 7 July 2019. Trading under the AfCFTA regime started on 1 January 2021.
- 3.2. To ensure an effective implementation of State Parties’ commitments under the AfCFTA, the Council of Ministers, at their 14<sup>th</sup> Meeting (COM14) held on 25<sup>th</sup> June 2024 in Zanzibar, United Republic of Tanzania, approved the establishment of the AfCFTA Implementation Review Mechanism (AFIRM) through a Ministerial Directive which details the review process and post review plans for State Parties in the implementation of the AfCFTA Agreement. The COM14 also approved the establishment of an ad-hoc Committee to work on technical matters related to the AFIRM and report to the Dedicated Session of STOs.
- 3.3. The purpose of the assignment is to contribute to the operationalisation of AfCFTA Implementation Review Mechanism (AFIRM). Implementation of commitments under the AfCFTA is vital for its impact on the ground. Yet to date, there is no record of whether and how commitments under the AfCFTA have been implemented. The various Committees established under the AfCFTA provide a valuable forum for the areas within the auspices of these Committees but do not provide a comprehensive view. Article 4(g) of the AfCFTA Agreements stipulates that State Parties shall “establish and maintain an institutional framework for the implementation and administration of the AfCFTA” and mandates the Council of Ministers, to “ensure effective implementation and enforcement of the Agreement”. (Article 11(3)b of the AfCFTA Agreement).

#### **4. Objectives of the project**

- 4.1. The key objective of the ISP is to support the effective implementation of the AfCFTA and to facilitate the rollout of the preliminary implementation programmes, all of which will further support to the creation of a single continental Free Trade Area and contribute to Africa's socioeconomic transformation.

#### **5. The Assignment**

- 5.1. The objective of the assignment is to contribute to the operationalisation of the approved AFIRM.
- 5.2. The programme has many aspects and requirements which are key for the successful implementation of the AfCFTA. It is against this background that the AfCFTA Secretariat would like to engage the services of Trade policy experts to support the operationalisation of the AFIRM.

#### **6. Scope of Work**

The Implementation Review Experts will perform the following key tasks:

- a) Draft concept notes, Ministerial Decision(s) and other instruments including tracking tools for monitoring and reporting which will underpin the implementation review mechanism under the AfCFTA;
- b) Develop data sources for implementation review reports;
- c) Contribute to the development of annual implementation review reports and report of the Secretary-General;
- d) Participate and contribute to the assessment studies of the AfCFTA implementation across the continent;
- e) Support in AfCFTA institutional and consultative meetings as well as implementation review mechanism meetings;
- f) Participate and contribute to capacity-building and technical assistance activities; and
- g) Carry out any other assignment related to the AFIRM.

#### **7. Reporting**

The consultants will report directly to the Senior Advisor on AfCFTA Implementation and Policy Review.

#### **8. Duration**

- 8.1. The Consultancy service shall run for a period of 12 months. Payment will be done according to milestones agreed upon in the signed contract.

## 9. Qualifications

The Implementation Review Experts shall have the following qualifications and experiences:

- a. Master's degree in International Trade, Environmental Policy, Business Management, Economics, or a related field from a recognized University Institution;
- b. A minimum of Five (5) years of professional experience, at least one (3) of them within an international organization working on trade policy and law, or a related area, will be an advantage;
- c. Demonstrated experience in drafting Concept Notes, Ministerial Decision(s) and other instruments including tracking tools for monitoring and reporting;
- d. Demonstrated experience in developing data sources for implementation review reports;
- e. Demonstrated experience in conducting the assessment studies of implementation across the continent;
- f. Experience working with international organisations comparable the African Union and the regional economic communities (RECs) is desirable;
- g. Fluency in English is required, and working knowledge of French is desirable.

## 10. Evaluation and Qualification Criteria

10.1. Interested individuals should 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) and technical proposal outlining the technical approach and methodology for delivery of the assignment.

10.2. Shortlisted consultants will be evaluated on the following criteria based on the information provided in their CV, copies of certificates, testimonials and technical proposal.

#	Qualifying Criteria	Points
1	<b>General Education, Qualification and Relevant Training.</b> Consultant to indicate the name and type of degree obtained, the year of the degree and must attach copies of certificates to support qualification. <ul style="list-style-type: none"> <li>• Relevance, including certification – 15%</li> <li>• Attached certificates – 5%</li> </ul>	20
2.	<b>Relevant Experience</b> <ol style="list-style-type: none"> <li>a. A minimum of Five (5) years of professional experience, at least one (3) of them within an international organization working on trade policy and law, or a related area, will be an advantage;</li> </ol>	50

	<ul style="list-style-type: none"> <li>b. Demonstrated experience in drafting Concept Notes, Ministerial Decision(s) and other instruments including tracking tools for monitoring and reporting;</li> <li>c. Demonstrated experience in developing data sources for implementation review reports;</li> <li>d. Demonstrated experience in conducting the assessment studies of implementation across the continent;</li> <li>e. Experience working with international organisations comparable the African Union and the regional economic communities (RECs) is desirable;</li> </ul>	
3.	<b>Technical Approach and Methodology:</b> <ul style="list-style-type: none"> <li>• Demonstrated understanding of the assigning (6%)</li> <li>• Work plan (6%)</li> <li>• Objectives (6%)</li> <li>• Activities (6%)</li> <li>• Deliverables (6%)</li> </ul>	<b>30</b>
<b>TOTAL</b>		<b>100</b>

10.3. The minimum technical qualification is 80%. The consultants meeting the minimum technical qualification will be ranked and the first on the list will be invited for negotiation and subsequently be selected for the assignment if his/her fee rate is within the budget.

## 11. Assignment technical approach and methodology

The consultant is required to prepare and submit a clear and simple but detailed technical approach and methodology demonstrating his/her understanding of the assignment while also outlining his/her work plan, objectives, activities, deliverables and output relevant to the assignment.