



Name of Project: Building Institutions and Systems to Harness and Realize Agenda (BIASHARA) 2063

Type of Contract: Individual Consultant Selection

Project ID: 180117

Grant No.: E2020

RFB Reference No.: ET-AFCFTA-503596-CS-INDV

**CONSULTANCY FOR A LEGAL EXPERT TO DEVELOP
A CONTINENTAL REGULATORY FRAMEWORK FOR
THE ESTABLISHMENT AND OPERATIONALIZATION
OF ONE-STOP BORDER POSTS (OSBPs)**

TERMS OF REFERENCE

August 2025

GENERAL INFORMATION

Description of Assignment:	Consulting Services for a Customs Legal Expert to Develop a Continental Regulatory Framework for the Establishment and Operationalization of One-Stop Border Posts (OSBPS) for Seamless Borders
Procurement Reference :	ET-AFCFTA-503596-CS-INDV
Type of Contract:	Individual Consultant
Reporting to:	Directorate of Customs Administration
Duration of Assignment:	Three (3) Months
Start Date:	August 2025

I. Introduction

1. The AfCFTA is one of the flagship projects of the African Union's Agenda 2063, to which all 54 Member States have demonstrated strong commitment. It aims to create a single continental market with free movement of goods, capital and services, which are crucial for deepening economic integration, and promoting agricultural development, food security, industrialization and structural economic transformation.
2. The Agreement establishing the AfCFTA was signed in March 2018 during the 10th Extraordinary Summit held in Kigali, Rwanda and entered into force on 30th May 2019. Trading under the AfCFTA commenced on 1st January 2021.
3. As of May 2025, 49 Member States had submitted their instruments of ratification, 49 countries had submitted their tariff offers and close to 93% of the rules of origin had been finalized. The AfCFTA Secretariat is therefore striving to ensure that all the required processes and instruments (particularly Customs and Trade Facilitation mechanisms) are in place for the successful implementation of the AfCFTA Agreement.

II. Background

4. To achieve the objectives of the African Continental Free Trade Area, it is imperative to ensure the smooth and seamless flow of trade among countries, which is a key condition for the continent's economic integration. In this regard, the removal of non-tariff barriers is crucial, particularly those related to logistics, border management, and coordination among national stakeholders.
5. A series of corridor assessment visits conducted by the Directorate of Customs Administration revealed that border posts are a major hindrance to trade within the continent, due to frequent delays and disruptions in the movement of goods. Enhancing the

efficiency of procedures requires not only their simplification, but also the availability of high-quality infrastructure equipped with all necessary facilities and integrated digital tools to effectively manage the flow of goods and passengers.

6. In this context, the implementation of seamless borders constitutes one of the most effective approaches to making borders between countries fluid, integrated, and free from unnecessary barriers for both passengers and goods. Under the AfCFTA framework, this can be achieved by putting in place the measures outlined in Annexes 3 and 4 of the Protocol on Trade in Goods, along with the deployment of information technologies and innovative digital solutions at the borders. The objective is to transform border crossing points into efficient platforms for trade facilitation and the smooth movement of people.

III. Justification

7. The establishment of seamless borders requires the implementation of several measures, including the harmonization of procedures, the digitalization and interconnection of systems, the strengthening of cross-border cooperation, and the development of One-Stop Border Posts (OSBPs).
8. OSBPs represent a strategic mechanism for facilitating the cross-border movement of goods and passengers. By consolidating the border control services of both countries (Customs, Immigration, health, security, and others) within a single facility, OSBPs significantly reduce border crossing times, lowering transaction costs. They offer an effective platform for cross-border cooperation and trade facilitation, as their implementation is accompanied by the harmonization and streamlining of procedures among key stakeholders in neighboring countries, which necessitates the adoption of shared digital solutions, such as integrated systems for managing trade flows.
9. Article 25, paragraph 2 (e), of Annex 4 on Trade Facilitation mandates State Parties to establish OSBPs to ensure enhanced cooperation and coordination among government agencies at borders to simplify procedures. However, their broader implementation and effective rollout continue to face challenges due to the lack of harmonized border governance standards, the absence of digital solutions and integrated systems, and the fragmentation of national legal frameworks.
10. To this end, their continental roll-out serves as a key mechanism for establishing seamless borders. However, a clear legal framework is required to consolidate efforts, build consensus around their expansion, and support cross-border collaboration between countries.
11. The development of a continental regulatory framework for the implementation of seamless borders, including the establishment and operationalization of OSBPs would aim to:

- a) Promote the harmonization and automation of procedures for processing goods and passengers at borders,
- b) Enhance the implementation of digital solutions and the interconnection of systems,
- c) Strengthen cooperation at border posts and promote the coordinated management of customs, health, security, and immigration operations.
- d) Provide a common legal basis for Member States for the establishment and management of OSBPs,
- e) Enhance certainty and legal clarity in cross-border cooperation,
- f) Support the coherent implementation of trade facilitation measures and stakeholder cooperation measures, as outlined in Annexes 3 and 4 of the Protocol on Trade in Goods,
- g) Promote the establishment of modern border infrastructure that provides all the necessary conditions to facilitate trade.

IV. Objective of the Assignment

- 12. The main objective of this assignment is to develop a continental regulatory framework governing the establishment and operationalization of OSBPs, with a view to enabling seamless borders within the context of the AfCFTA.

V. Tasks and Responsibilities of the Consultant

- 13. The Consultant is required to work closely with the Directorate of Customs Administration of the AfCFTA Secretariat from the project inception to the final adoption of the regulatory framework. In doing so, the Consultant must address the following:
 - a) Analyse the bilateral legal and regulatory frameworks governing the main operational OSBPs representing the five geographical regions in the continent, including any relevant regulatory instruments adopted by the Regional Economic Communities (RECs)
 - b) Examine existing practices across Africa and explore the OSBP Sourcebook developed by AUDA-NEPAD in collaboration with JICA,
 - c) Organize targeted consultations (virtual and/or in-person) with key stakeholders, including government agencies, RECs, private sector, and development partners, to gather input, challenges and expectations.
 - d) Identify regulatory, institutional, and operational gaps that hinder the adoption and broad rollout of OSBPs,

- e) Identify the key requirements relating to procedures, coordination mechanisms, information technologies, and innovative digital solutions that enable the effective implementation of seamless borders.
- f) Draft a continental regulation that includes provisions to promote the establishment of OSBPs as a trade facilitation measure under the AfCFTA, along with the necessary procedural and technological requirements, common standards, guiding principles, mechanisms for bilateral and multilateral coordination, and monitoring frameworks to support the achievement of seamless borders.
- g) Provide technical support for the validation of the proposed framework during AfCFTA institutional meetings.

VI. Main Deliverables

14. The expected outcomes of this consultancy are:

- a) Inception report,
- b) Diagnostic report on existing frameworks governing OSBPs in Africa, the challenges hindering their effective implementation, and the operational and procedural gaps that hinder the smooth flow of goods across borders,
- c) Draft regulation governing the establishment and operationalisation of OSBPs to ensure seamless border operations.

VII. Duration of the Assignment

15. The assignment is for three (3) months from the date of commencement. The consultant will be required to adhere to the proposed timelines and deliverables.

VIII. Location of the Assignment

16. The consultant shall work from his/her country of residence.

IX. Methodology

17. The consultant shall conduct a desk review as indicated in the Section V.

18. The methodology will also involve virtual or in-person consultations with the OSBP focal points in the selected countries representing the five geographical regions in the continent, as well as with the relevant RECs.

X. Reporting, Management Arrangements and Coordination

19. The Expert will report on an agreed report format to the Director of Customs Administration at the AfCFTA Secretariat and provide scheduled progress reports on the status of agreed outputs and deliverables.

XI. Qualifications and Experience

20. The consultant should possess the following minimum qualifications:

- a) Advanced degree (at least a Master's) in Law, International Trade Law, or related disciplines such as Trade Policy, International Business Law, or Customs.
- b) A minimum of 10 years of proven professional experience in trade facilitation, border management, or regional and international trade law.
- c) At least five years of experience in drafting legal instruments specifically related to trade facilitation, customs regulations, and border management at the regional or continental level.
- d) Experience working with African Union Institutions or Regional Economic Communities such as COMESA, EAC, ECOWAS, or SADC on trade-related projects is essential,
- e) Strong knowledge of OSBPs initiatives in Africa and of bilateral and multilateral border cooperation,
- f) Familiarity with international trade law, including AfCFTA Agreements and Regional Integration Agreements.

21. In addition, the consultants should have the following key competences:

- a) Proficiency in one of the AU working languages (English, French, Portuguese, Arabic or Spanish),
- b) Strong communication and writing skills, including the ability to produce clear, structured, and detailed documents and reports,
- c) Excellent analytical and critical thinking skills, with a proven ability to assess issues related to bilateral cooperation, border management, customs procedures, and trade facilitation within the African context.

XII. Evaluation and Qualification Criteria

22. Proposals will be evaluated based on the following criteria:

- a) **Technical approach and methodology:** The quality, clarity, and feasibility of the proposed approach for developing the regulatory framework. Understanding of the

assignments must be clearly demonstrated. Objective, activities and deliverables must also be clearly indicated – **30 points**.

b) Expertise Qualification and experience: Demonstrated qualification, knowledge and relevant experience in developing regulatory frameworks related to trade facilitation, border management, or regional integration as outlined in section XI above. Consultants must support their qualifications and experience by attaching copies of academic and/or professional certificates and reference letters/contracts for assignments previously undertaken – **50 points**.

c) Work plan and timeline: A feasible and coherent plan outlining key activities, key phases, and expected outputs – **20 points**.

23. The minimum technical qualification is 70%. Consultants scoring above the threshold will be ranked and the highest-ranked candidate will be invited for negotiations.

XIII. APPLICATION PROCESS

24. Interested consultants are invited to submit the following documents to the address and by the deadline indicated in the Request for Expression of Interest:

- a)** A simple technical proposal outlining their methodology and approach,
- b)** A consultant's CV together with documentary evidence of academic qualification, relevant projects or case studies or references from previous work, particularly in instances where they have developed legal frameworks related to trade facilitation, customs, border management, or other related areas.