



TERMS OF REFERENCE FOR CONSULTANCY SERVICES TO DEVELOP THE AfCFTA DISPUTE SETTLEMENT HANDBOOK

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 Developing The AfCFTA Dispute Settlement Handbook

Procurement Reference : ET-AFCFTA-517610-CS-INDV

Type of Contract: Individual Consultant Selection - International

Reporting to: Head of the Dispute Settlement Division

Duration of Assignment: Six (6) Months

I. INTRODUCTION

1. These Terms of Reference (ToR) are prepared to engage Consultancy services under the auspices of the Technical Assistance Grant for Institutional Support Project for the AfCFTA Secretariat to develop the African Continental Free Trade Area Dispute Settlement Mechanism Handbook.

II. BACKGROUND

2. The Agreement Establishing the African Continental Free Trade Area (AfCFTA Agreement) and its Protocols create a trading regime for the Continent, premised on Regional Economic Communities (RECs) as building blocks. Integral to this trading regime is the Dispute Settlement Mechanism (DSM).
3. The AfCFTA State Parties have made significant progress in operationalising the Mechanism, including constituting the Dispute Settlement Body (DSB), the Indicative List for Panellists, and the Appellate Body (AB).
4. State Parties, Panellists, and AB Members will need to familiarise themselves with the DSM and its procedures. The Secretariat will be required to conduct various capacity-building workshops to achieve this goal. However, this may prove costly, as the target audience will likely change continuously with the assignment of new government officials to the AfCFTA.



5. A more effective solution would be to develop a handbook on dispute settlement to unpack the AfCFTA dispute settlement institutional framework and procedures and AfCFTA jurisprudence, and publish it so that any stakeholder can access it.
6. The Dispute Settlement Division proposes to develop a Dispute Settlement Handbook to provide comprehensive information on the Dispute Settlement Mechanism, its institutional structures, processes, procedures, and jurisprudence.
7. In this regard, the Division seeks to hire a firm to develop the AfCFTA Dispute Settlement Handbook.

III. OBJECTIVE OF THE ASSIGNMENT

8. The objective of the assignment is to develop the 1st Edition of the AfCFTA Dispute Settlement Mechanism Handbook.

IV. DUTIES

9. Under the supervision of the Head of the Dispute Settlement Division, the assignee shall undertake the following tasks:
 - Draft the Dispute Settlement Handbook;
 - Research existing institutional documents, legal instruments, and comparable handbooks from similar organizations;
 - Develop an initial inception report detailing the proposed methodology, work plan, timeline, and outline of the handbook;
 - Undertake quality control of the Dispute Settlement Handbook;
 - Assist in the coordination and organisation of consultative meetings regarding the Handbook;
 - Present draft handbook for review by the Dispute Settlement Body;
 - Develop summary materials (e.g., handbook overview, quick reference guides, FAQs)
 - Perform any other tasks as assigned by the Supervisor.

V. DELIVERABLES

10. The primary deliverable of this consultancy will be a set of milestones and reports outlining the full realization of the AfCFTA DSM Handbook. The handbook will be designed to assist State Parties and other stakeholders in effectively navigating the Dispute Settlement Mechanism within the AfCFTA framework.
11. The specific deliverables will include, but are not limited to:
 - a) A project inception report – with a clear understanding of the assignment and the proposed outline of the Handbook for validation.
 - b) Detailed project plan with timelines.



- c) Monthly status report with key highlights of the completed versus pending tasks.
- d) Final draft handbook for review by the Dispute Settlement Body.

VI. DURATION

- 12. The assignment will be for a period of six (6) months from the date the contract is signed.

VII. DUTY STATION

- 13. The assignee will be expected to work remotely from his/her country of residence. Travelling might be required for physical engagements.

VIII. QUALIFICATION AND EXPERIENCE

- 14. The assignee should meet the following qualifications and experience:
 - a) Minimum of fifteen (15) years of experience in international law, regional integration, and inter-state party dispute settlement.
 - b) Experience in international trade law.
 - c) Experience in developing and publishing similar Handbooks for international dispute settlement mechanisms.
- 15. The candidate is required to hold an advanced university degree, Master of Laws degree (LLM) in Law, International Law (public international law, international organisations law, international trade law) with a specialization on Dispute Settlement from a recognised University with a minimum of fifteen (15) years' professional experience in international law, regional integration, and dispute settlement. Experience in international trade law is an added advantage.

IX. LANGUAGES

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

X. REPORTING

- 17. The assignee will report to the Head of the Dispute Settlement Division. The assignee will provide monthly progress reports based on an agreed-upon reporting format.

XI. EVALUATION AND QUALIFICATION CRITERIA

- 18. The proposal 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 AfCFTA DSM Handbook - **20%**.
 - b) Professional Expertise and experience: Demonstrated knowledge and relevant experience in developing and publishing similar handbooks – **50%**.
 - c) Workplan and timeline: A feasible and coherent plan outlining key activities, key phases, and expected outputs – **10%**.



- d) Academic qualification and training – demonstrated relevant qualification in this TOR – 20%.

The minimum technical qualification is 70%. 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.

XII. PAYMENTS

19. Payments will be made monthly upon submission of a monthly activity report to be cleared by the Head of the Dispute Settlement Division.

XIII. APPLICATION PROCESS

20. Interested candidates are invited to submit the following documents:
- a) Technical proposal outlining their methodology and approach.
 - b) Financial proposal indicating the total cost of the consultancy.
 - c) Consultant's CV and relevant documentation.