Background

Over the past decades, the global regimes against the proliferation of Weapons of Mass destruction (WMD) has continued to develop to address not only the proliferation of WMD by States, but also in response to the complex security environment and the emergence of proliferation threats posed by non-state actors. Recent political and security developments have once again underlined the need for full and transparent adherence to these regimes to prevent the proliferation of WMD and deny non-state actors access to related materials.

At the regional level, the AU and its Member States have remained strongly committed to the regional and international instruments against WMD. Over the years, the AU’s engagement in the global disarmament and non-proliferation efforts has been guided by three strategic objectives.

The first Strategic objective- the AU recognizes that WMDs are a threat to global security and stability, and that their use constitutes an existential as well as a moral threat. The AU therefore believes that universal adherence to the WMD regimes will serve to strengthen their effectiveness and authority, and provide the required transparency and confidence-building measures among States.

The second Strategic objective reflects the growing complexity of the security threats facing Africa and the globe. Illicit trafficking networks are growing in sophistication and reach, thereby increasing the risk of illicit proliferation. Furthermore, the widely available scientific know-how risks efforts to ensure that chemical, biological and nuclear science and technology remain in the realm of peaceful applications.

Third, the AU believes that the full and effective implementation of the multilateral regimes will further reaffirm the inalienable right to peaceful uses, and ensure that resources are increasingly devoted to ensuring that all states equally benefit from the peaceful applications of chemical, biological and nuclear science and technology. In other words, compliance, through a dual security-development approach, will lead to creating a secure and well regulated environment for increased international cooperation in peaceful applications and access to related technologies.

Objective of the Assignment

While AU Member States have remained strongly committed to the WMD disarmament and non-proliferation regimes, efforts towards their full implementation are hindered by various challenges and constraints including competing national security and development priorities, as well as limited financial resources and lack of human expertise. This has prevented states from developing effective and comprehensive legislative framework, which is fundamental to a sound implementation approach.

While some states have developed WMD related legislation, it has often been incomplete, spread across several pieces of domestic legislation, or fails to establish consistent
criminal offences and commensurate penalties. This has partly been due to the fact that treaties were negotiated at separate times, with varying scopes, and in different political contexts, thereby imposing different – while at times overlapping – requirements.

Inter-governmental and non-governmental bodies have developed important tools and model legal provisions, while also extending direct legislative assistance to States. Nonetheless, a comprehensive and consolidated model legislation capturing the range of WMD and related regimes concerning crime and terrorism still does not exist.

On 6-7 April 2016, the AU Commission convened the Assistance and Review Conference on the Implementation of UN Security Council resolution 1540 (2004) in Africa. Member State representatives at the meeting recognized the value of model legislation and encouraged the Commission to consider developing a model law that Member States could use as a reference in developing their national legislation. It was highlighted that such model legislation should build on the good practices and experience of international organizations that provide legislative assistance in the related areas.

The proposed AU Comprehensive Model law on WMD will aim to assist States, with both common and civil law systems, in setting up legislation in full compliance with the regional and international instruments. It will serve as a working tool to understand the full scope of obligations, assess the gaps in domestic legislation, and adjust the model provisions to the particularities of national legal systems.

**Scope of the Assignment**

The individual consultant will be required to undertake but not limited to the following tasks:

- Carry out a desk review of the regional and international instruments, including multilateral conventions and UN Security Council resolutions, with a view to map the range of obligations and required national implementation measures.

- Carry out and review analysis of model legislation developed by intergovernmental and non-governmental bodies and organizations to identify existing resources and identify gaps.

- Based on the matrices developed by the 1540 Committee, carry out an analysis of WMD-related legislation of selected African and non-African States to identify best practices that are suitable and applicable for the African context.

- Consult representatives of intergovernmental and non-governmental bodies and organizations to solicit their views and draw from their experiences in developing model provisions addressing identified gaps.

- Participate in an inception workshop among WMD experts and practitioners to present the findings of the aforementioned desk review and analysis and solicit their technical feedback and inputs to make the necessary adjustments before proceeding with drafting the relevant model provisions.

- Participate in a validation workshop among WMD experts and practitioners to present in detail the model law and incorporate comments and feedback to improve the draft.

The instruments and tools that form the scope of this task as well as the relevant intergovernmental and non-governmental bodies and organizations that are to be consulted, are listed in the annex.
Key Deliverables and schedule

<table>
<thead>
<tr>
<th>S/no</th>
<th>Activity</th>
<th>Anticipated Duration(Days)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Approach and detailed action plan for the expected review and drafting process, including timelines</td>
<td>1 Week from signing the Contract</td>
</tr>
<tr>
<td>2.</td>
<td>A report containing the results of the review and analysis of the WMD and related instruments, the available model legislation, and selected national legislation, along with recommendations on the gaps that need to be addressed and the draft outline indicating the structure of the Model Law</td>
<td>Two weeks before the inception report</td>
</tr>
<tr>
<td>3.</td>
<td>First full draft of the Model Law with explanatory notes taking into account the comments and inputs made at the inception workshop</td>
<td>Four weeks before the validation workshop</td>
</tr>
<tr>
<td>4.</td>
<td>Final version of the Model Law with explanatory notes taking into account comments and inputs made at the validation workshop</td>
<td>31 December 2018</td>
</tr>
</tbody>
</table>

Duty Station

Home-based with occasional duty travel to the AU headquarters and other Locations

Qualification and Experience

The Consultant would be selected based on the following minimum educational and experience criteria:

Education

- Advanced university degree (Master’s degree or equivalent) in the field of law. Degrees in international relations, arms regulations, security or related areas can be considered in combination with relevant work experience.

Experience

- Relevant work experience on legislative assistance projects related to international instruments against WMD.
- Minimum of 10 years of professional expertise and experience as a lawyer with prosecutorial experience.
- Prior experience in carrying out needs assessments and developing of legislative and regulatory frameworks regarding conventional weapons, WMD, counter-terrorism or international crimes.
- Good working knowledge on the AU, UN and multilateral arms control arrangements, either as a prosecutor, policy analyst or practitioner.
- Experience working with government officials, the AU, UN and other intergovernmental organizations.

Languages

- Fluency in written and spoken English, including proven excellent drafting skills, is essential. Proficiency in French is an added advantage.
The African Union Commission now invites eligible **Individual Consultants** to indicate their interest in providing the Services. Interested candidate must provide information demonstrating that he/she has the required qualifications and relevant experience to perform the Services. Consulting firms may propose individual consultant, but only the experience and qualifications of individual shall be used in the selection process, and that his or her corporate experience shall not be taken into account, and the contract would be signed with the proposed individual.

For evaluation purpose the following criteria will be applied:

a) General Education Qualification and Relevant Training (20 points);

b) Experience Related to the Assignment (50 points);

c) Technical approach and methodology (25 points)

d) Work plan (5 points)

Interested candidates are requested to submit the following documents for AUC’s consideration as an attachment to the CVs:

a) Technical Proposal on:
   - understanding and interpretation of the TOR
   - methodology to be used in undertaking the assignment
   - time and activity schedule

b) Financial proposal should conform with the below statement
   - Payment will be fixed contract amount of USD 30,000.00 for three (3) months. This amount includes all of the Consultant's fees, reimbursable and profits as well as any tax obligation that may be imposed on the Consultant. This is a lump sum contract.
     - Any travel necessary for the successful completion of the assignment, duly authorized in advance by the AU Commission will be paid for at the rate of the most direct economy return flight, as well as a subsistence allowance in accordance with the AUC Rules and Regulations

The Individual consultant will be selected in accordance with the procedures set out in the Africa Union Procurement Manual. Further information can be obtained at the address below during office hours 8:00-13:00hrs and 14:00-17:00 hours Local Time.

Proposal must be delivered in a written form to the address below not later than 15:00 hours local time, August 10, 2018.

**African Union Commission,**
**Attn: Carine Toure Yemitia (Mrs.)**
**Head of Procurement Travel and Store Division**
**Building C, 3rd Floor**
**P.O.Box 3243, Roosevelt Street**
**Addis Ababa, Ethiopia**

Tel: +251 (0) 11 551 7700 – Ext 4305
Fax: +251 (0) 11 551 0442; +251 11-551-0430
E-mail: tender@africa-union.org

**NB:** The Title of the Assignment and Procurement reference number should be clearly indicated in the subject matter of the email.
Regional and international instruments

Core instruments

2. Bamako Convention on the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Wastes within Africa
3. Biological Weapons Convention (BWC)
4. Chemical Weapons Convention (CWC)
5. Comprehensive Nuclear-Test-Ban Treaty (CTBT)
6. Convention on the Physical Protection of Nuclear Material (CPPNM) and its 2005 Amendment
8. Treaty on the Non-Proliferation of Nuclear Weapons (NPT)

Related instruments

2. Convention for the Suppression of Unlawful Acts Relating to International Civil Aviation
3. Convention on Offences and Certain Other Acts Committed on Board Aircraft
5. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons
7. International Convention against the Taking of Hostages
8. International Convention for the Suppression of Terrorist Bombings
12. Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft

Intergovernmental bodies and organizations

1. African Bio-safety Network of Expertise (ABNE)
2. African Biosciences Initiative (ABI) of the New Partnership for Africa's Development (NEPAD),
3. African Commission on Nuclear Energy (AFCONE)
4. African Union Inter-regional Bureau on Animal Resources (AU-IBAR)
5. European Union CBRN Centres of Excellence
6. Financial Action Task Force (FATF) and FATF styled bodies in Africa
7. Forum for Nuclear Regulatory Bodies in Africa (FNRBA)
8. Group of Experts of the Committee established pursuant to UNSCR 1540
9. Implementation Support Unit of the Biological Weapons Convention (ISU-BWC)
10. International Atomic Energy Agency (IAEA)
11. International Criminal Police Organization (INTERPOL)
12. Organization for the Prohibition of Chemical Weapons (OPCW)
13. United Nations Office for Disarmament Affairs (UNODA)
14. United Nations Office on Drugs and Crime (UNODC)
15. World Customs Organization (WCO)
16. World Health Organization (WHO)
17. World Organization for Animal Health (OIE)

Non-Governmental Organizations

1. Global Emerging Pathogens Treatment Consortium (GET)
2. Institute for Security Studies (ISS)
3. Stimson Centre
4. Verification Research, Training and Information Centre (VERTIC)

Guidelines and best practices

1. AU Anti-Terrorism Model Law
2. CARICOM Model Act to Implement the UN Security Council Resolution 1540 with Regard to the Prevention of the Proliferation of Weapons of Mass Destruction
3. FATF International Standards on Combating Money Laundering and the Financing of Terrorism and Proliferation
4. FATF Methodology for Assessing Technical Compliance with the FATF Recommendations and the Effectiveness of AML/CFT Systems
5. IAEA Handbook on Nuclear Law

8. OPCW National Legislation Implementation Kit
9. UNODC and IMF Model-Legislation on Money-Laundering and Financing of Terrorism
10. UNODC Handbook on Criminal Justice Responses to Terrorism
11. UNODC Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols
12. VERTIC Comparison of Model Laws for the Implementation of UN Security Council Resolution 1540
13. VERTIC Compilation of CBRN National Implementation Documents