

AFRICAN UNION
الاتحاد الأفريقي



UNION AFRICAINE
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CALL FOR PROPOSALS - INDIVIDUAL CONSULTANT

**CONSULTANCY SERVICE FOR A STUDY ON THE CATEGORISATION OF
DECISIONS OF THE POLICY ORGANS OF THE AFRICAN UNION**

PROCUREMENT NUMBER: AUC/OLC/C/001



SECTION I: LETTER OF INVITATION

13th December 2022

Dear Applicants,

Consultancy Service for A Study on The Categorization of Decisions of The Policy Organs of The African Union.

1. The AUC invites interested and eligible individual consultants to submit their CVs and technical proposals for the assignment as per attached Terms of Reference (TORS). AUC policy requires consultants to provide professional, objective, and impartial advice, and at all times hold the Client's interest's paramount, without any consideration for future work, and strictly avoid conflicts with other assignments or their own interests.
2. The consultant will be selected under the Fixed Budget selection method where the Consultant who has submitted the highest ranked technical proposal within the set pass mark and within the budget will be selected for award of contract. The consultant will be paid a total amount of USD 30,000.00.
3. CVs and technical proposals must be submitted by e-mail to Tender@africa-union.org
Cc hawib@africa-union.org
4. The title of the Procurement and procurement number must appear as subject of e-mail submissions.
5. The Deadline for submission is **28th December 2022 at 15:00** hours Addis Ababa Time. Late applications will not be considered.
6. This call for CVs comprises of the following:
 - Section I – This Letter of Invitation
 - Section II - Terms of Reference



SECTION II: TERMS OF REFERENCE

Consultancy Service for A Study on The Categorization of Decisions of The Policy Organs of The African Union.

1.0 BACKGROUND

In the context of the institutional reform of the African Union (AU), the Assembly, *vide* Decision Assembly/AU/Dec.687(XXX) of January 2018, determined that decisions of the Assembly and the Executive Council shall be categorized in accordance with the Rule of Procedure (RoP) of those two policy organs.

Therefore, the categorization of decisions of the policy organs lies within the legal framework provided by Rules 34 and 35 of both the RoP of the Assembly and the RoP of the Executive Council, to be read in conjunction with the Constitutive Act of the AU, in particular with its Article 23 (Imposition of Sanctions).

2.0 OBJECTIVE OF ASSIGNMENT

The study on the categorization of decisions will serve the purpose of shedding light on the constitutive elements of the decisions of the policy organs and the implications of the implementation of the categorization of those decisions.

The final documents will be submitted to the Member States of the African Union for their consideration and decision in view of completing the institutional reform and streamlining the activities of the organization.

3.0 SCOPE OF ASSIGNMENT

The role and responsibilities of the consultant shall be as follows:

- a. conduct of an analysis of the constitutive elements of the categories of binding decisions ('Regulations' and 'Directives') indicated in Rule 34(1) of the RoPs, as well as of the 'Recommendations' and 'Declarations' referred to in Rule 34(2) of the RoPs;
- b. conduct of a comparative analysis of the structure of decisions in other international systems such as the European Union (EU), United Nations (UN) and Regional Economic Communities (RECs), in particular those RECs with a consolidated system of decisions;
- c. conduct of an analysis of the significance of the categorization of decisions in the method of working for their adoption;
- d. conduct of an analysis of the implications of the implementation of the categorization of decisions, as indicated by Rule 35 of the RoPs, in terms of:



- effects for Member States, the organs of the AU, RECs and individuals;
- compliance mechanisms and consequences attached to the non-compliance;
- e. draft a template of Regulation, Directive, Recommendation and Declaration;
- f. collect selected decisions of the other international systems taken into account in the comparative section of the study.

4.0 GOVERNANCE AND SUPPORT BY THE AFRICAN UNION

The role and responsibilities of the African Union Commission (Office of the Legal Counsel) shall be as follows:

- a. provide the consultant with the necessary support information to meet the project's objectives;
- b. provide a focal person to assist in providing clarifications and AU documents not readily available;
- c. communicate regularly with the consultant on the status of the project.

5.0 DELIVERABLES/ SCHEDULE OF REPORTS

The output should be a study document structured in three parts as follows:

1. Presentation of the categories of decisions;
 2. Comparative analysis of EU, UN and RECs;
 3. Analysis of the implications of the implementation of the categorization;
 4. Templates of Regulation, Directive, Recommendation and Declaration.
- There shall be an **Inception report** regarding methodology of the study ought to be submitted within seven (7) days from commencement of the assignment;
 - The **Progress report** will be submitted six (6) weeks from commencement of the study;
 - The **Draft report** will be submitted eight (8) weeks from the date of commencement of the study; and
 - The **Final version** will be expected two weeks from the submission of comments and inputs by the Office of the Legal Counsel.

6.0 QUALIFICATION AND EXPERIENCE OF THE CONSULTANT

The consultant shall have the following qualifications:



- a. a master's degree in law; a specialized degree in public international law would be an advantage;
- b. at least five (5) years of legal practice (research, teaching, consultancy, etc); previous experience with and/or knowledge of the AU, EU, UN or RECs would be an advantage.

6.1 Other Requirements

- Proficient research skills
- Drafting and formatting skills
- Electronic communication skills

For this purpose, a full curriculum vitae shall be submitted in response to the tender.

7.0 DURATION OF THE ASSIGNMENT

The consultant is expected to complete her/his work within a period of eight (8) weeks from signing the contract/commencement of the assignment. Afterwards, the consultant is expected to submit the final version of the document within two (2) weeks from the submission of comments and inputs by the African Union Commission (Office of the Legal Counsel).

Due to the fact that the final product will be submitted to the Member States of the African Union for examination, a second phase of this project might be foreseen, subject to the availability of funds, whereby the consultant would be re-engaged to present the output to Member States and further refine it pursuant to their comments and inputs.

8.0 COST ESTIMATE

The consultant shall be paid an amount of USD 30,000.00, in three (3) instalments:

- 1st instalment, corresponding to 10% of the total amount, upon approval and acceptance of inception report, focused on the methodology. The report shall be submitted within seven (7) days from the commencement of the assignment;
- 2nd instalment, corresponding to 60% of the total amount, upon the first submission of the study. This submission shall happen within six (6) weeks from the commencement of the assignment;
- 3rd instalment, corresponding to the 30% of the total amount, upon submission and approval, the final version of the document. This submission shall happen within eight (8) weeks from the commencement of the assignment.



9.0 EVALUATION CRITERIA

General Education Qualification and Relevant Training: 20 points

Experience Related to the Assignment: 40 points

Technical Approach and Methodology: 30 points

Work plan: 10 points