

Terms of reference (ToR) for the procurement of services up to the value of EUR 20,000

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General information

a. Brief information on the project

African Continental Free Trade Area (AfCFTA) is one of the flagship projects identified under the Agenda 2063 of the African Union Commission (AUC). AfCFTA is an initiative for free movement of goods and services in the continent through gradual elimination of tariff and non-tariff barriers to Trade in Goods (TiG) and successive liberalization of Trade in Service (TiS). In order to facilitate the trading system, AfCFTA ensures that all trade related issues are covered, and the necessary institutional and legal frameworks are realized. AfCFTA assists State Parties to improve competitiveness of their industries, exploit economies of scale and create value chain within Africa which in turn contributes to economic growth and creation of jobs. The bigger market has also the potential to attract huge investment from the rest of the world in value adding sectors.

African Union Heads of States and Governments decided to fast-track the establishment of the Continental Free Trade Area (CFTA) on January 2012. The negotiations were launched in 2015 in Johannesburg, South Africa, with the adoption of the scope and sequencing of the negotiations. Agreement was reached to conduct the negotiation in two phases: covering Trade in Goods (TiG) and Trade in Service (TiS) on phase I negotiation, and Investment, Competition Policy and Intellectual Property Rights (IPRs) on the second. Phase II negotiation intends to promote intra-African investment, address anti-competitive practices and allow redefining of trade related aspects of Intellectual Property Rights (IPRs) in the context of African countries.

The Agreement Establishing AfCFTA was signed in March 2018, in Kigali, together with the Kigali Declaration and Free Movement Protocol. As of Feb 2021, all AU member states, except one, have signed the Agreement Establishing AfCFTA of which 36 member states ratified it. AfCFTA started operation on 1st of Jan 2021 and the newly established AfCFTA Secretariat in Ghana is given the responsibility of implementing AfCFTA, in collaboration with AUC.

The Federal Government of Germany has been supporting the AfCFTA initiative since end of 2015. The first phase of GIZ programme, Project Support to AfCFTA, supported the African Union Commission (AUC) through financial and technical assistance. The second phase,

Programme Support to AfCFTA, started operation in August 2020 with a total budget of EUR 18.5M. The programme will be implemented for 2.5 years with the aim of strengthening the framework conditions to realize the African Continental Free Trade Area at continental, regional and national level. The support is framed under 5 thematic areas which encompasses: strengthening the steering and coordination capacities of AfCFTA negotiation and implementation; facilitating the Trade in Services (TiS) negotiation; supporting implementation of obligations under Trade in Goods (TiG); supporting preparation for the second phase of negotiation; and promoting socially, ecologically and economically sustainable realisation of AfCFTA.

b. Context

Ethiopia is among the four countries getting support at country level. Ethiopia ratified AfCFTA in March 2019 and the country has progressed well on Trade in Goods (TiG) and Trade in Service (TiS) negotiations. However, preparation is vital for the second phase of the negotiation and implementation of commitments under AfCFTA. GIZ is collaborating with the Ministry of Trade and Industry (MoTI) to support the country's effort to effectively participate in the AfCFTA market. In addition, GIZ partners with Ethiopian Chamber of Commerce and Sectoral Association (ECCSA) to enhance the participation of private sector and civil society in the AfCFTA negotiation.

It is vital for the Government of Ethiopia (GoE) to understand the position of the private sector on AfCFTA as the businesses are the primary players of the trading system. To that effect, the programme supports ECCSA to prepare private sector position paper on AfCFTA to be presented to the Technical Committee for AfCFTA negotiation.

- c. GIZ shall hire the contractor for the anticipated contract term, from 15th July 2021 to 15th of October 2021
- d. The contractor shall prepare private sector position paper on AfCFTA

Specific tasks to be accomplished by the consultant

- Review previously conducted studies on similar topic, identify gaps to be investigated and draw important information
- Map the organizations and private sector representatives to be involved in the preparation of position paper for AfCFTA on stakeholders workshop
- The position paper should cover all AfCFTA negotiation topics: Trade in Goods(TiG), Trade in Service(TiS), Investment, Competition Policy, Intellectual Property Rights(IPRs) and digital trade
- Develop inception report on the rationale, objective and scope of the study including the methodology to be used in consultation with the ECCSA and GIZ. The inception report should also include action plan for the study.
- Identify priorities to be investigated covering all topics of AfCFTA negotiation for the private sector to benefit from AfCFTA
- Review the rules and regulation under continental and national level on the selected topics in view of the expectation and interest of private sector in the country
- Identify the gaps and develop hypothesis (in consultation with ECCSA and other chambers and sectoral association) on what the private sector expects from the GoE on the identified gaps
- Assess alternative views as well as supporting arguments in addressing the challenges /gaps

- Develop position of the private sector with a well defended argument and supportive information/evidence

Deliverables

- Inception report
- Conduct stakeholders workshop
- Draft report including positions of private sector on AfCFTA
- Present the study, in collaboration with ECCSA, on the validation workshop and to the Technical Committee for AfCFTA negotiation
- Submit final report and position paper on AfCFTA in electronic form and hard copy

Tender requirements

1. Qualifications of proposed staff

1.1 Expert 1:

1.1.1 General qualifications

- Masters or Ph.D. in International Economics, International trade law **or** International Development as the main area of specialization
- Fifteen years of work experience in policy making, negotiation and implementation on trade related topics
- Eight years of experience in conducting studies related to international trade
- Good understanding of the on-going AfCFTA negotiation, extensive knowledge of the WTO agreement as well as other abiding international agreements
- Demonstrated experience in undertaking gap assessment and developing position papers in the fields of international trade

1.1.2 Experience in the region/knowledge of the country

- Good knowledge on the functioning of the trade sector and the context of the private sector in Ethiopia is essential
- Experience in working with one of the RECs, Trade Ministries or Chambers (in Africa is an advantage

1.1.3 Language skills:

- Proficiency in English language (in spoken and written) is essential

3. Specification of inputs

Fee days	Number of experts	Number of days per expert	Comments
• Preparation/debriefing	1	3	

• Implementation	1	27	
Travel expenses	Number of experts	Number of days/nights per experts	Comments
• Per-diem allowance in country of assignment	N/A	N/A	
• Overnight allowance in country of assignment	N/A	N/A	
• Travel costs (train, private vehicle)	N/A	N/A	
Flights	Number of experts	Number of flights per experts	Comments
• International flights	N/A	N/A	
• Domestic flights	N/A	N/A	
Other costs	Number of experts	Amount per experts	Comments
N/A			

Note:

If restrictions are introduced to combat coronavirus/COVID-19 (restrictions on air travel and travel in general, entry restrictions, quarantine measures, etc.), GIZ and the contractor are obliged to make adjustments to their contractual services to reflect the changed circumstances on the basis of good faith; this may involve changes to the service delivery period, the services to be delivered and, if necessary, to the remuneration.