

AFRICAN UNION
الاتحاد الأفريقي



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CONSULTANCY SERVICES:

SUPPORT THE PROCESS OF REVISING THE OAU CONVENTION FOR THE ELIMINATION OF MERCENARIES IN AFRICA

INVITATION

The African Union Commission now invites eligible Individual Consultants to indicate their interest in providing the Services. Interested candidates must provide information demonstrating that he/she has the required qualifications and relevant experience to perform the Services.

Document required:

- Cover letter - Understanding of the assignment / TOR
- CVs

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, on **10th November 2021**

**African Union Commission,
Attn: Carine Toure Yemitia (Mrs.)
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1. Introduction

The 12th Meeting of the Specialized Technical Committee on Defense, Safety and Security (STCDSS) held in Cairo, Egypt, in December 2019, in its declaration, directed the African Union Commission to revise the Organization of the African Unity (OAU) Convention for the Elimination of Mercenaries in Africa, adopted in Libreville, Gabon, in July 1977 by the heads of state and governments. The STCDSS's declaration and directive were subsequently adopted decision /AU/Dec.754(XXXIII) of the 33rd Ordinary Session of the Assembly of the Union held in Addis Ababa in February 2020.

The OAU Convention for the Elimination of Mercenaries was, among others intended to provide a strategic response to the threats posed by activities of mercenaries of predominantly non-African origin to the independence, sovereignty, territorial integrity and harmonious development of OAU Member States.

It is, however, noted that the security landscape and dynamics on the African Continent have since significantly changed, especially with the emergence of phenomena such as *Non-State Armed Groups* (NSAGs), *Foreign Terrorist Fighters* (FTFs) / *Foreign Fighters*, *Private Military Companies* (PMCs) among others. These growing phenomena are a threat to human security, and undermine national, regional and continental peace and security.

On the other hand, the porous borders in the Continent serve as an enabler to unimpeded movement of foreign fighters, terrorists, none-state armed groups and cross-regional arms trafficking. The persistent proliferation of foreign fighters into and within the Continent continues to fuel the ongoing armed conflicts in the various regions, forming a *de facto* new form of mercenaries, and pose threat to peace, security and stability in the continent.

It is against this background that the AU Commission will undertake the revision of the "Convention for the Elimination of Mercenaries in Africa". This will include hiring two (2) senior consultants to support the Commission in the technical processes of revising the Convention. The draft revised Convention will then be submitted to the relevant AU policy organs for consideration.

2. Objective of the Assignment.

To undertake a substantive examination and review of the 1977 *OAU Convention for the Elimination mercenarism in Africa* as one of AU's multilateral mechanisms and normative frameworks and strategic responses in dealing with threats posed by mercenarism that invariably stabilize countries in post conflict reconstruction and development (PCRD) transitional phases and to prevent relapsing in violent conflicts in countries emerging from conflicts and in transitional processes.

The Consultants will specifically undertake an in-depth examination and critical review of the OAU Convention in light of the contemporary security challenges faced by AU Member States. The revision is expected to identify the strengths and inadequacies of

the Convention with a view to ensuring that it captures contemporary and emerging security threats related to mercenarism.

3. Scope of the Assignment

The consultants will work under strategic guidance of the Governance and Conflict Prevention Directorate of the Political Affairs, Peace and Security Department. The Disarmament, Demobilization and Reintegration & Security Sector Reform (DDR/SSR) Division within the directorate of Governance and Conflict Prevention is the Focal Point for the assignment.

The Scope of the joint Assignment will entail to following:

- i. Review the “Convention for the Elimination of Mercenaries in Africa” and identify its strengths, weaknesses and gaps, and provide recommendations of areas in the Convention that could require updating or deletion;
- ii. Conduct a desk review of relevant African Union reference and source documents, including other AU Conventions, reports, studies, policy documents and strategies, AU knowledge management tools, Peace and Security Council Communiques etc. Undertake a comparative review of relevant key international instruments and ensure coherence and interoperability and establish cross- references to existing AU technical documents;
- iii. Consider contemporary evolving threats posed by weak border management and identify its possible link to mercenaries’ ease of mobility and propose remedial inputs where required;
- iv. Evaluate the possible nexus between terrorism, Foreign Fighters, illegal exploitation of natural resources and acts or activities of terrorism, including assessing any existing mutually enabling factors among these activities;
- v. Examine the possible nexus between cyber criminality and mercenaries, and propose solutions;
- vi. Identify possible and strengthen areas of complementarity between and among other AU instruments and policies related to Peace and Security including the July 1999, *OAU Convention on Prevention and Combatting of Terrorism* and its Protocol of 2004.
- vii. Ensure that the new draft provides for commensurate protocol/s to the convention and others related policy tools to enable and facilitate, operationalization, implementation, reporting as well as monitoring and evaluation.
- viii. Based on the review, develop a succinct revised draft Convention for the Elimination of Mercenaries in Africa for consideration by the AU Policy organs such as the Specialized Technical Committee on Defense, safety and Security (STCDSS), Specialized Technical Committee on Justice and Legal Affairs (STCJLA)etc.

4. Effort and Time Frame

The assignment is estimated to require six (66) work-days for each consultant and will be home-based. However, each of the Consultants will have two (2) travel missions of three (3) days each: first to the AU Headquarters in Addis Ababa, for debrief with

the Governance and Conflict Prevention Directorate; and second to an AU member State to be decided (contingent to Covid 19 constraints), to make a presentation of the revised draft Convention to the meeting of experts from AU Member States.

The consultants will be required to provide the reports outlined below, in addition to regular debriefings with the Governance and Conflict Prevention Directorate from time to time as and when required.

5. Key deliverables

The following will be the key deliverables:

1. Inception report following an induction meeting with the Directorate of Governance and conflict Prevention/SSR Division, to be produced after ten (10) days of commencing the assignment. 10% of the fee shall be paid after approval and acceptance of inception report;
2. Provide technical support to the DDR/SSR Division to organize a virtual consultative Workshop, for experts from Member States, Regional Economic Communities (RECs), AU Peace Support Operations, and relevant partners to consider the zero-draft of the revised Convention for the Elimination of Mercenarism in Africa. The Workshop will be held thirty (30) days after commencing the assignment. The consultant will be paid 20% of the fee upon approval and acceptance of the report.
3. Provide technical support to the DDR/SSR Division to organize a virtual or physical meeting (to be confirmed) of governmental experts from AU Member States and RECs/RMs to consider the Draft Revised Convention for the Elimination of Mercenarism in Africa. The outcome document from this meeting will be submitted to the Specialized Technical Committee of Defense Safety and Security (STCDSS) for consideration. The meeting will be held Forty days (45) days after commencing the assignment (contingent to Covid 19 constraints). The consultant will be paid 30% of the fee upon approval and acceptance of the outcome report.
4. Reflect the agreed amendments from the Meeting of Member States Experts into the draft revised Convention and submit the final Draft Revised Convention for the Elimination of Mercenaries in Africa. In addition, the consultant will produce a summary report on this process and methodology of reviewing the Convention. These two outcome documents (draft convention and report on the methodology) will be submitted sixty-six (66) days after commencing the assignment. The consultant will be paid the remaining balance of 40% of the fee upon approval and acceptance of the two reports.

NB. The two consultants working in tandem constitute a two-persons team obliged to collaborate to ensure successful consultancy mission. Each of them has specific tasks which will help to achieve and deliver-on the overall joint assignment outlines above. The co-consultant is accountable to provide all documentation and aspects required to achieve each deliverable, as phased above.

The Lead consultant is accountable to also do his research, to compile the contributions of the team and submit final deliverables as phased above. The specific tasks of the consultants are as follows:

a) Lead Consultant:

The Lead Consultant will:

- i. be accountable for the completion of the assignment and all expected deliverables of this consultancy;
- ii. produce an aggregated Inception Report 10 days upon signing the award contract;
- iii. participate at a technical meeting with the DDR/SSR Division of the Directorate of Governance and Conflict Prevention;
- iv. conduct a thorough examination, assess, review and revise the OAU Convention, and specifically identify relevant functional lacuna in the instrument to adequately address contemporary security threats, and propose formulations/drafting to be included in the revised Convention;
- v. work closely with co-consultant to undertake the necessary consultations with the AU Commission, and other relevant stakeholders;
- vi. guide an in-depth desk review of relevant decisions, declarations, communiques, etc., of the AU Policy Organs, relevant instruments of the Regional Economic Communities (RECs) and Regional Mechanism (RMs), in consultation with the Acting Head of the DDR/SSR Division, the Office of the Legal Counsel and other relevant Directorates of the Commission;
- vii. produce zero draft of the revised Convention after the consultations and desk studies;
- viii. take into account and incorporate the key proposals from the meeting of Defense and Military Attaches of the AU Member States in Addis Ababa, *held virtually*, on 7th September 2021.
- ix. Jointly with the DDR/SSR Division coordinate and facilitate the consultative workshop bringing together the Regional Economic Communities (RECs), AU Peace Support Operations, and relevant AU entities, on the revision of the OAU Convention for the Elimination of Mercenaries in Africa;
- x. Serve as key facilitator at the Meeting of Member States Experts on the revision of the OAU Convention for the Elimination of Mercenarism in Africa, to be convened by the Commission;
- xi. reflect the agreed amendments and or proposals from the Meeting of Member States Experts into the draft revised Convention as may be required;
- xii. Submit a Final Draft of the Revised Convention for the Elimination of Mercenaries in Africa.

b) Co-Consultant:

The co-consultant will work in closely, in support and in tandem with the Lead Consultant to deliver the following:

- xiii. Substantively support and contribute to the production of an Inception Report and of the rest of deliverables;
- xiv. participate at a technical meeting with the DDR/SSR Division of the Directorate of Governance and Conflict Prevention;

- xv. undertake consultations with the Commission, and other relevant stakeholders;
- xvi. conduct a thorough examination, assess, review and revise the OAU Convention, and identify relevant functional lacuna in the instrument to address contemporary security threats, and propose formulations draft amendments to be included in the revised Convention;
- xvii. undertake a desk study of relevant AU policies and other relevant AU instruments, in consultation with the Acting Head of the DDR/SSR Division, the Office of the Legal Counsel of the Commission, and other relevant Directorates and agencies within the African Union where required;
- xviii. Take into account and incorporate the proposals from the meeting of Defense and Military Attaches of the AU Member States in Addis Ababa *held virtually*, on 7th September 2021.
- xix. participate at the consultative workshop bringing together the RECs, AU Peace Support Operations, and relevant AU entities, on the revision of the OAU Convention for the Elimination of Mercenaries in Africa;
- xx. co-facilitator at the Meeting of Member States Experts on the revision of the OAU Convention for the Elimination of Mercenarism in Africa, to be convened by the Commission;
- xxi. work under the guidance of, and in tandem with, the Lead Consultant to deliver on the consultancy assignment.

6. Consultancy Fees

- a. The Lead Consultant of this assignment will be paid a fixed fee of USD 24,225 (Twenty-Four Thousand, two hundred and twenty-five). *At the completion and acceptance of all deliverables of both consultants, the Lead Consultant will be entitled to an incentive of 10% of his fixed consultancy fee.*
- b. The Co-consultant will individually be paid a fixed fee of USD 21,802 (Twenty-One Thousand Eight Hundred -Two).

Air travel to AU Headquarters and to a Member State may be required, they will be provided by the AU Commission under the principle of direct route and cheapest economy class ticket, in accordance with the AU Rules and Regulations.

7. Requirements for Qualifications and Experience

Education and Experience:

Lead Consultant

- At least a Master Degree in ***International Public Law specializing in Legal Drafting, and or with a focus on Africa***. Additional tertiary qualifications and training in International Relations, or any security sector governance related field is desirable. A PhD in Law will be added advantage;
- Minimum of 10 years of professional experience in multilateral legal drafting related to strategic security issues in international or regional organizations is required;

- Substantial relevant experience with demonstrated evidence in drafting, development and or design and implementation of strategic frameworks and policies/ protocol at multilateral level.
- Experience in drafting documents related to peace and security in Africa would be added advantage.
NB. The consultant will be required to provide examples of international instruments and or documents that He/ She drafted, and to mention sponsoring organizations.
- Solid demonstrable experience in the formulation and management of multilateral legal instruments.
- Should have demonstrated experience in legal drafting.

Co-Consultant

- At least a Master Degree in the field of political sciences, Law, International relations or any related social sciences.
- 7 years in disarmament and security sector governance or in countering transnational terrorism.
- Have in-depth knowledge of the provisions of relevant AU policy frameworks, including the Common African Defense and Security Policy, and the African Union Non-Aggression and Common Defence Pact.
- Recognized courses in security-related field will be added advantage.
- Concrete experience in the drafting or revising strategic policy documents related to strategic security issues in international or regional organizations is required.
- Have the ability to conduct high level discussions and to work closely with high level Member States and RECs representatives, as well as non-state security actors.
- Have experience and understanding in functioning of Private Military Security Companies (PMSC) including their management and accountability mechanisms in complex peace and security environment with multiple actors, issues and interests in Africa.
- Experience in training, facilitation, organizing high level consultative meetings/workshops, is desirable.
- Have excellent analytical and drafting skills; and ability to clearly speak in public use Power Point.
- Knowledge of disarmament, demobilization, security sector governance and reforms, contemporary counter terrorism concepts, typologies and policy instruments particularly on the African continent is required.
- Demonstrated scholarly and practicing interest in emerging policy interventions in developments of disarmament, security sector governance as they related to the challenges of Post Conflict Reconstruction and development (PCRD) efforts during difficult transitions in Africa.

8. Language

Fluency in English or French language is required for both the Lead and Co- consultant.

