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**STANDARD TEMPLATE**

<b>TERMS OF REFERENCE</b>	
<b>Title:</b>	Consultancy Services for the Provision of Legal Services (Lawyer) under Framework Agreement for 3 Years
<b>Contract type: (Individual or firm)</b>	Framework Contract for 3 – Years (ICS)
<b>Directorate &amp; Division</b>	Office of the CEO
<b>Contact Person:</b>	Principal Legal Officer/ Legal Unit/OCEO
<b>Procurement Number</b>	153/AUDA/OCEO/LEGAL/ICS/2024

**BACKGROUND**

The African Union Commission (AUC), headquartered in Ethiopia, was established as a unique Pan African continental body, and is charged with spearheading Africa’s rapid integration and sustainable development by promoting unity, solidarity, cohesion and cooperation among the peoples of Africa and African States as well as developing a new partnership worldwide. Within the African Union, the New Partnership for Africa’s Development (NEPAD) was adopted in 2001 in Lusaka, Zambia, aimed primarily at poverty alleviation and the promotion of economic growth and sustainable development in Africa.

As NEPAD was integrated into the structures and processes of the African Union, the NEPAD Planning and Coordinating Agency (NPCA) was established by the Decision of the 14<sup>th</sup> AU Assembly of February 2010 to serve as the technical body of the African Union. In June 2018, at the 31<sup>st</sup> Ordinary Session of the Assembly of African Union Heads of State and Government in Nouakchott, Mauritania, a decision was taken to transform the NEPAD Planning and Coordination Agency into the African Union Development Agency-NEPAD (AUDA-NEPAD). The mandate of AUDA-NEPAD is to: a) Coordinate and Execute priority regional and continental projects to promote regional integration towards the accelerated realisation of Agenda 2063, and b) Strengthen the capacity of African Union Member States and regional bodies, advance knowledge-based advisory support, undertake the full range of resource mobilisation and serve as the continent’s technical interface with all Africa’s development stakeholders and development partners.

The AUDA-NEPAD is thus an African-owned and led continental agency, spearheading Agenda 2063.

**RATIONALE**

The African Union Development Agency - New Partnership for Africa's Development (AUDA-NEPAD) is seeking to engage the services of a lawyer to complement its existing legal capacity by providing comprehensive services and guidance in navigating complex labour legal issues and ensuring compliance with applicable laws, regulations, policies, and processes.

The lawyer must be conversant with the African Union processes, particularly the workings of the AU Administrative Tribunal.

The lawyer must be able to demonstrate expertise in handling labour related cases submitted to the AU Administrative Tribunal.

### **THE OBJECTIVE OF THE ASSIGNMENT**

The main objective of the assignment to be undertaken by the selected competent legal expert shall be to support, advise and defend the interests of the AUDA-NEPAD in any labour related issues, particularly, on the best strategy to handle any dispute that may arise between the AUDA-NEPAD and its employees.

### **SCOPE OF WORK, ACTIVITIES AND TASKS**

The lawyer's responsibilities shall include but not limited to providing, when required, a comprehensive legal support in managing labour disputes, including those against AUDA-NEPAD, within the boundaries of applicable rules and regulations of the African Union.

#### **The lawyer shall, perform these specific responsibilities:**

1. Provide expert legal advice and comprehensive support on labour and employment law matters, labour disputes, grievances and disciplinary actions and participate in the resolution process as required;
2. Review, analyse and provide guidance on AU Staff rules, regulations and policies and practices to ensure compliance with the applicable regulations;
3. Liaise closely with the AUDA-NEPAD Legal Unit on labour related issues;
4. Timely provision of legal opinions and memoranda on labour related issues as requested by the Legal Unit;
5. Support the Legal Unit, when required, to understand and comply with applicable laws, regulations, and international frameworks in relation to labour related issues; and
6. Provide expert legal advice and support on labour and employment law matters, labour disputes, grievances and disciplinary actions and participate in the resolution process as required.

#### **For labour dispute resolution**

7. Support AUDA-NEPAD in managing and resolving labour disputes, including arbitration, mediation, reconciliation with regular updates to AUDA-NEPAD on the status of such proceedings and processes:
  - a. Conduct an in-dept review of the facts of the case and analyse and organize information gathered and advise on the best strategy;
  - b. Draft the required legal documents and pleadings, submissions, narratives, key findings and related documents including affidavits, complaints, counterclaims, crossclaims, witness statements, discovery documents, motions for appeal and related documents, legal opinions, briefs, and settlement agreements among others;
  - c. Engage in negotiations and settlement discussions on behalf of AUDA-NEPAD; and
  - d. Provide legal advice on all official communications or documents related to the case.
8. Perform any other service related to Employer and Employee relations that may be required by AUDA-NEPAD.

### **EXPECTED RESULTS AND DELIVERABLES**

The Lawyer shall provide proactive and comprehensive legal support to protect the interest and the reputation of AUDA-NEPAD and its legal representative by submitting:

- i. Prepare a work plan for each matter with timeframes

- ii. Periodic reporting on the assignment; and
- iii. Final report at the conclusion of the assignment handled.

**LOCATION**

AUDA-NEPAD offices located at 230 15th Rd, Randjespark, Midrand, (1685)

**TIMEFRAME OF THE ASSIGNMENT**

A framework contract for a duration of 3 years and the assignment will be on need basis.

**REPORTS AND MILESTONES SCHEDULE**

- i. Based on identified cases, preparation of requisite documents on the case;
- ii. Drafting of all narratives and legal submissions to be registered before the Administrative Tribunal
- iii. Periodic reporting on all matters being handled (ongoing & completed) on behalf of AUDA-NEPAD; and
- iv. Preparation of written legal advice on all official communications related to the assignment.

**SUBMISSION & APPROVAL OF REPORTS**

The Legal Unit is the focal points for receiving and approving of all reports related to each assignment.

**LANGUAGE REQUIREMENTS**

All reports will be in English.

**PERSON DAYS/MONTHS**

Applicable as and when services are required with specific period to complete the assignment on a case-by-case basis.

**PROPOSED PAYMENT SCHEDULE**

Payment shall be made based on approved invoice.

**QUALIFICATION AND WORK EXPERIENCE REQUIRED FOR THE CONSULTANT**

1. LL.M. (Master of Laws) Degree in Public International Law, International Labour Laws, or related field;
2. Ten (10) years of experience in public international law, international labour law and labour dispute mechanisms;
3. In-depth knowledge and expertise of the African Union Rules, procedures, policies and systems; and the African Union Staff regulations and rules and its dispute mechanisms frameworks, including before the African Union Administrative Tribunal;
4. Demonstrative ten (10) years experience in labour law practice, advising governments or international organisations on labour disputes, employment contracts, collective bargaining agreements, or other labour-related policy matters; and
5. Traceable similar experience in the last 5 years in labour practice, advising governments or international organisations on labour disputes, employment contracts, collective bargaining agreements, or other labour-related cases.

**Competencies**

6. The Lawyer shall have: Furthermore, the Lawyer must have expertise in the governance structures and legal obligations of international organizations. Capacity to handle diverse and complex Employee Relation matters.

**Copyrights**

As the matter is sensitive and highly confidential, all reports, exchanges verbal or in writing including information shared by the client to assist with the assignment remains the property of the AUDA-NEPAD.

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