



COUR DE JUSTICE

COMESA

محكمة العدل



COURT OF JUSTICE

CALL FOR APPLICATIONS BY INDIVIDUAL CONSULTANTS

**TERMS OF REFERENCE FOR THE PROVISION OF CONSULTANCY SERVICES
FOR DEVELOPING A FIVE-YEAR STRATEGIC PLAN (2026 - 2030) FOR THE
COMESA COURT OF JUSTICE**

1. BACKGROUND

1.1 ESTABLISHMENT

The Court of Justice of the Common Market for Eastern and Southern Africa (the Court) was established in 1994 under Article 7 of the COMESA Treaty as one of the Organs of COMESA. As the judicial Organ of the Common Market, the Court is independent of the Authority as stipulated in Article 8(3) of the Treaty, which provides that directions and decisions given by the Authority are binding on Member States and other organs of the Common Market other than the Court in the exercise of its jurisdiction. Further, the Court is also independent of Council as Article 9(2)(c) and (3) of the COMESA Treaty states that Council will give directions to all other subordinate organs of COMESA other than the Court in the exercise of its jurisdiction. Article 42 of the Treaty gives the Court financial independence by providing for its budget.

1.2 COMPOSITION OF THE COURT

The Court is composed of twelve Judges who are appointed by the Authority. Seven Judges are appointed to the First Instance Division, one of whom is the Principal Judge while five Judges are appointed to the Appellate Division, one of whom is the President of the Court.

The day-to-day administration of the business of the Court is co-coordinated through a Court Registry which is headed by a Registrar who is also the Chief Executive Officer of the Court.

1.3 MANDATE OF THE COURT

The Court's primary function is to uphold the rule of law in the enforcement of the COMESA Treaty by ensuring adherence to the law in the interpretation and application of the Treaty. Article 23(1) gives the Court jurisdiction to adjudicate upon all matters which may be referred to it pursuant to the Treaty.

The matters that may be brought before the Court can be between Member States, Member States and the Council, the Common Market and Member States, between legal and natural persons resident in Member States or between COMESA or its Institutions and their employees.

1.4 THE 2021-2025 MEDIUM-TERM STRATEGIC PLAN

The 2021-2025 Medium- Term Strategic Plan (MTSP) was adopted in November 2021 by the 42nd Meeting of the COMESA Council of Ministers which was held virtually due to the Covid-19 Pandemic. The approved five-year Strategy is being implemented through annual work plans that are focused on four strategic issues namely:

- a) Dispensation of Justice;
- b) Institutional Strengthening and Capacity Building;

- c) The Operations of the Court;
- d) Visibility of the Court; and
- e) Information and Communication Technology.

As the 2021-2025 MTSP comes to an end, there is need to undertake an end-term review to assess the effectiveness of the Strategy in terms of the achievement of the Strategic Objectives and thereafter to develop a new five-year Strategic Plan for the period 2026-2030.

2. SCOPE AND FOCUS OF THE ASSIGNMENT

The overall objective of this consultancy is to develop a five-year Strategic Plan (2026-2030) to ensure that the Court effectively and efficiently fulfills its mandated objectives. The scope and focus of the assignment for the Consultant will include:

- a) Review the 2021-2025 MTSP;
- b) Review the vision, mission statement, values and goals of the Court based on the Court's mandate and objectives;
- c) Undertake a situational analysis of the Court's operations to date, taking into account internal and external factors that may impact the Court;
- d) Undertake stakeholder mapping and provide an analysis on the identified stakeholders and the methods the Court should undertake to engage stakeholders;
- e) Through a consultative process and the application of an appropriate tool of analysis, review the focus areas, thrust areas, mid-term priorities, strategic interventions and key result areas for the Court;
- f) Review the institutional capacity, organisational structure, financial and administrative systems against the Court's mandated and identified strategic objectives and the identified priorities, strategic interventions, and key result areas; and make recommendations;
- g) Develop a Results and Resources Framework for the 2026 – 2030 plan period;
- h) Hold stakeholder workshops to validate the revised Strategic Plan;
- i) Propose monitoring and reporting strategies and mechanisms to ensure the effective implementation of the Strategic Plan; and

- j) Finalise the 2026-2030 Strategic Plan and submit the draft Strategic Plan to the Administrative Meeting of the Court and the Committee on Legal Affairs.

3. TIMELINE FOR THE CONSULTANCY

The scope and focus of the assignment are to provide technical, strategic and facilitation support to enable the review and refinement of the 2026-2030 Strategic Plan for the Court.

The duration of the consultancy is expected to be ninety days with the following approach, deliverables and period in which to do each assignment:

	Approach	Deliverables	Number of days to do each assignment
1.	Preparation and Initial Consultation with Court Management	<p>(a) A Brief Inception Report</p> <p>The Inception Report will, at a minimum, provide a detailed explanation of the method and approach that will be undertaken including:</p> <ul style="list-style-type: none"> • an understanding of the overall objective and expected results of the assessment; • the methodology to be applied; • an expected framework for the outputs to be produced; • a proposed list of key stakeholders and how they will be consulted; and • the proposed structure of the final 2026-2030 Strategic Plan. 	10 days
2.	Review, Assess and Analyse:	(a) An End-Term Review Report of the 2021-2025 MTSP	30 days

	<ul style="list-style-type: none"> • Review of relevant organisational documents (vision, mission statement, 2021-2025 MTSP, organisational structure, etc.); • Participatory process of critical reflection, analysis and consultation (SWOT analysis); • Consultation with the Court's Management 	(b) One Focus Group Session with the Court's Management	
3.	<p>Refine the draft Strategic Plan:</p> <ul style="list-style-type: none"> • Analyse feedback from the different source documents and reviews; • Refine the strategic framework guided by the scope of work; and • Present the refined strategic plan the Court's Management 	<p>(a) Draft 2026 – 2030 Strategic Plan</p> <p>(b) An implementation matrix and Monitoring and Evaluation Plan</p> <p>(c) Presentation of the draft strategic plan to the Administrative Meeting of the Court</p>	30 days
4.	Prepare review report	<p>(a) A review report on the process</p> <p>(b) Stakeholder consultations and workshops</p>	19
5.	Final draft strategic plan	Presentation of the draft 2026 - 2030 Strategic Plan to the Committee on Legal Affairs	1 day
Total Number of days			90

4. INSTITUTIONAL ARRANGEMENTS

The Consultant will report directly to the Registrar of the Court. The Court will provide relevant background documents that are necessary for the assignment including: the COMESA Treaty, the 2021-2025 MTSP, the COMESA Court of Justice Staff Rules,

the COMESA Court of Justice Rules of Procedure (2016), the COMESA Court of Justice Arbitration Rules (2018), the COMESA Court of Justice Financial Rules, Policy Organs Reports and any other document(s) considered necessary for the effective execution of the assignment. The Court will be responsible for the coordination of meetings and other activities under the consultancy.

At the end of the consultancy all soft copies of reports indicated as deliverables must be signed by the Consultant and electronically submitted officially to the Registrar.

5. QUALIFICATIONS

The Individual Consultant must have:

- a) At least a Master's degree with 7 years' professional experience or a Bachelor's Degree with 10 years' professional experience, in organisational, project or any other management role requiring strategy formulation, implementation and achievement.
- b) Sound understanding and knowledge of strategic planning, standard management tools and techniques to schedule, plan and measure organisational performance.
- c) Excellent research and analytical skills including desk research, interviewing skills and stakeholder facilitation methodologies.
- d) Proof of having successfully accomplished similar assignments.
- e) Proven experience in working with the public sector especially in Strategic Planning and advisory assignments.
- f) Regional and international experience will be an added advantage.
- g) Confident professional with the ability to engage and work effectively with a diverse range of stakeholders.

6. CONSULTANCY TIMELINE

The duration of the consultancy will be ninety days from the date of signature of the contract. No extension will be granted.

7. CONFIDENTIALITY

Unless required by law or regulation, the Consultant will not, during the term of the consultancy and within two years after its expiration, disclose any proprietary or confidential information relating to the services, this consultancy or the Court's business or operations without the prior written consent of the Court.

8. OWNERSHIP OF MATERIAL

All documents submitted by the Consultant will become and remain the property of the Court. This includes the Strategic Plan and reports, which may be used by Court without reference to the Consultant. The Consultant will not be entitled to use any of the documents under this consultancy without the prior written consent of the Court.

NOTE: The Consultant will submit electronic copies of all reports in MS Word and PDF.

9. LANGUAGE

The language of the Contract and all related communications will be English.

10. REMUNERATION

The Consultant will be paid at the appropriate COMESA Ruling Rates for consultancies. Approved deliverables will be the basis for payments under this assignment as follows:

NO.	MILESTONE	AMOUNT PAYABLE
1.	Inception Report	15%
2.	On submission of the End-Term Review Report of the 2021-2025 MTSP	15%
3.	On submission of the draft 2026-2030 Strategic Plan, implementation matrix and Monitoring and Evaluation Plan	30%
4.	On incorporation of stakeholder feedback and submission of the review report	30%
5.	On Presentation of the draft 2026-2030 Strategic Plan to the Committee on Legal Affairs	10%

11. TRAVEL AND SUBSISTENCE

The Court will cover transport costs and daily subsistence allowance at the COMESA ruling rates for the Consultant when on official travel related to the consultancy, and as approved by the Registrar.

12. DEADLINE FOR SUBMISSION OF APPLICATIONS

Interested candidates should submit applications electronically to procurement@comesacourt.org with a copy to info@comesacourt.org by **21 October 2024** and should include the following:

- a) Curriculum Vitae with an e-mail address and telephone number;
- b) Cover letter detailing their understanding of the task and highlighting their experience and expertise in similar works;
- c) Certificates of service showing satisfactory performance of work of similar nature;
- d) Names of three referees; and
- e) Copies of academic certificates.

Applications received after the deadline will not be considered.