

TERMS OF REFERENCE
PROCUREMENT NUMBER: APRM/AU/GSR/NRGA/TOR/01/2024: INDIVIDUAL CONSULTANCY SERVICES
SKILLS
POLITICAL ECONOMY ANALYST AT THE
AFRICAN PEER REVIEW MECHANISM CONTINENTAL OFFICE, SOUTH AFRICA

1. BACKGROUND

The African Peer Review Mechanism (APRM) is an autonomous entity of the African Union, (AU) established as a governance self-assessment and peer review instrument. The APRM has the mandate to promote and facilitate self-monitoring by participating Member States, to ensure that their policies and practices conform to the agreed political, economic, corporate governance and socio-economic values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance; and the African Charter on Democracy, Elections and Governance (ACDEG), as well as other relevant African Union and international treaties, conventions and instruments.

In keeping with its mandate, the APRM is establishing a flagship programme on Natural Resource Governance in Africa.

Considering the APRM's Democracy and Political Governance (DPG) thematic area, the objective of the programme is to ensure that democracy and political governance contribute to strengthening the political and administrative structures that govern natural resources in African countries, in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law.

In alignment with the APRM's Economic Governance and Management (EGM) thematic area, the objective of the programme is to ensure that the broad national economic policy framework, the institutions, processes, and practices in place that are aimed at facilitating natural resource governance also support and promote an economic climate that encourages growth, poverty reduction and the general welfare of the citizens.

To ensure good Corporate Governance (CG) in companies within sectors that manage natural resources of a country, and as the APRM thematic area on the same, the objective of the programme is to ensure that there are systems by which companies are directed and held to account, through leadership, sustainability, and good corporate citizenship.

As with the APRM's thematic area on broad-based sustainable socio-economic development (SED), the objective of the programme is to ensure continuous improvement in the well-being and the standard of living of the people as a result of good natural resource governance. The outcomes of good natural resource governance will thus include improved income, health, education, environment, and freedoms. This will also include countries demonstrating policy, legislative, and participatory institutional frameworks to promote State Resilience to Shocks and Disasters (SRSD). SED and SRSD are the areas through which the impacts from other themes will be assessed.

Similarly, the advent of the 4th Industrial Revolution (4IR) has ushered in a new dawn for governance, which provides an opportunity for African countries to chart new pathways to the future. This includes technological

advancements through fields such as artificial intelligence, robotics, automation, the Internet of things, quantum computing, nanotechnology, biotechnology, and energy storage, for example.

2. DESCRIPTION OF THE PROJECT

The African Peer Review Mechanism (APRM) Continental Secretariat, an autonomous entity of the African Union, is establishing a continental programme on natural resource governance in Africa. To this end, the Secretariat is conducting reviews and studies to inform the approach and strategy of the programme. The purpose of the assessment and/or review is to examine the sufficiency and coherence of natural resource governance legislation and institutional arrangements on the continent. It is envisaged that the outcome of the review will inform the development of a normative framework for natural resource governance in African countries.

The overarching focus of the assessment review will be undertaken through a legal and institutional analysis study covering three (3) natural resource sectors. These are:

- a) Water resources governance – Transboundary Principal Focus,
- b) Land resources governance – Land Access and Use,
- c) Mineral resources governance (including energy resources) – Extractives Industries

Transboundary Water Resources

Water resources provide sustenance for all living organisms and as material for various industries. The volume, quality of, and access to water affects use across various activities such as agricultural production, hydro-power generation, industrial processes, recreational as well as household use. Water resource use is usually sourced from either ground water or surface water. The surface water is accessed within a river basin and related catchment area. Often, catchment areas expand over national and regional boundaries. Transboundary water resources (TWR) constitute 80% of Africa's total freshwater resources¹. Beyond enabling access to and use of water, the improvement of infrastructure along transboundary rivers has the potential to provide the necessary supply of energy needed for the demand of one or more countries along that water course. Therefore, governing the use of these water resources is critical. Africa has several policy frameworks which relate to TWR, including: the SADC Revised Protocol on Shared Watercourses (2000), the Africa Water Vision 2025, the Abuja Ministerial Declaration on Water: A Key to Sustainable Development in Africa (2002), the Sirte Declaration on the challenges of implementing integrated and sustainable development on agriculture and water in Africa (2004), the Declaration of Water and Energy Ministers of Johannesburg (2006), Ministerial Declaration of Tunis from the first African Water Week (2008), as well as the Sharm El Sheikh Declaration on Water and Sanitation (2008). In addition to this, the African Union has mandated the African Minister's Council on Water (AMCOW) to effectively manage the continent's water resources and provision of water supply services. Despite these efforts, there is a need for coordinated and appropriate governance and institutional arrangements in managing national and transboundary water basins.

Land Resources

In Africa, land serves as both economic and socio-cultural capital. The dependence on land is a feature of both urban and rural areas on the continent. With 65% of the world's arable land², Africa has the potential to develop agricultural industries that support global food and green-industry needs. The continent is also home to

¹ PIDA, n.d., Africa Transboundary Water Resources Sector Outlook 2040

² <https://www.unep.org/regions/africa/our-work-africa#:~:text=It%20holds%2065%20per%20cent,50%20percent%20of%20total%20wealth.>

extraordinary biodiversity which regulates climatic conditions and provide ecosystem services. Individual access to these services is often determined by the extent of land ownership. There is need for infrastructure and technology, often on land, to sufficiently harness land resources. Therefore, land governance is necessary for the realisation of African countries visions and goals, national development plans, as well as the continental Agenda 2063. Although there are a myriad of ways through which land governance occurs at the national, regional, and continental levels, guided by agreements such as the AU Declaration on Land Issues and Challenges in Africa (2009) and the Malabo Declaration on Accelerated Agricultural Growth and Transformation (2014), among others, there is need for comprehensive harmonisation and thorough review to assess the progress made in implementing key African Union (AU) decisions on land policy and governance.

Mineral Resources

The African Union (AU) recognises the need to enable the minerals resource sector to play its role in the social and economic transformation, inclusive growth, and sustainable development of African economies, in conjunction with Member States, Regional Economic Communities (RECs), the private sector, civil society organizations including women and youth organizations, collaborating institutions and other key stakeholders³. According to the United Nations⁴, 'Africa is home to some 30 percent of the world's mineral reserves, eight per cent of the world's natural Gas and 12% of the world's oil reserves. The continent has 40% of the world's gold and up to 90% of its... platinum'. Noteworthy reserves of copper (10%), Lithium (30%), chromium (95%), manganese (30%)⁵, and other minerals in the world are also in Africa. Having abundant reserves of minerals should make Africa a key global player in critical industries. In recognition of this immense potential, African countries are actively moving towards solidifying an African Green Minerals Strategy⁶, which follows the Africa Mining Vision (2009) and many other continental instruments seeking to enhance optimal beneficiation from mineral resources towards broad-based sustainable growth and socio-economic development. In order to reach this goal, it is necessary to fully guide the processes, policies and institutions which govern these the extractives industries. In this regard, a continental framework would be useful to guide how decisions and policies may be implemented at the local level.

Additionally, access to energy resources often determines a countries ability to increase its economic growth and development. Energy can either be renewable, fossil, and/or nuclear. Renewable energy comprises sources such as wind, solar and green hydrogen. It must be noted that 50% of Sub-Saharan Africa's population still lacks access to electricity⁷. In a bid to increase access to energy sources for local use, the continent has made strides for countries to transition from high-polluting energy sources to renewables⁸. However, non-renewable energy sources or fossil fuels such as coal, crude oil and natural gas are important for economic development. Although the importance of critical minerals in accessing clean energy infrastructure has been highlighted, the African Common Position encourages striking a balance between ensuring access to electricity to catalysing the much-needed socio-economic growth in Africa and smoothly transitioning towards an energy system based on renewable and clean energy sources matching the ambitions of Agenda 2063.^{9,10} Therefore. the AU, through

³ [African Minerals Development Centre | African Union \(au.int\)](https://www.africanmineralsdevelopmentcentre.org/)

⁴ <https://www.unep.org/regions/africa/our-work-africa#:~:text=The%20continent%20has%2040%20percent,the%20world%20are%20in%20Africa.>

⁵ https://wedocs.unep.org/bitstream/handle/20.500.11822/43012/minerals_africa.pdf?sequence=3&isAllowed=y

⁶ https://www.afdb.org/sites/default/files/documents/publications/approach_paper_towards_preparation_of_an_african_green_minerals_strategy.pdf

⁷ <https://unctad.org/news/improving-energy-access-key-meeting-development-goals->

[africa#:~:text=Although%20access%20to%20energy%20has%20still%20lacks%20access%20to%20electricity.](https://unctad.org/news/improving-energy-access-key-meeting-development-goals-#:~:text=Although%20access%20to%20energy%20has%20still%20lacks%20access%20to%20electricity.)

⁸ <https://www.unep.org/news-and-stories/press-release/africa-climate-week-2023-charting-fresh-course-climate-action>

⁹ In dealing with fundamental energy issues, the African Union Executive Council in its Thirteenth Ordinary Council held on 24 – 28 June in Sharm El Sheikh, Egypt endorsed the Algiers Declaration on the official launching of the Africa Energy Commission - AFREC (Decision EX.CL/Dec.432 (XIII)). It is of importance that the mandate of AFREC and related continental frameworks align with Africa's common position on energy and energy transitions.

¹⁰ <https://au.int/en/pressreleases/20220722/africa-speaks-unified-voice-au-executive-council-adopts-african-common>

the Statute establishing the African Minerals Development Centre (AMDC) which was adopted by the Twenty-Sixth Ordinary Session of the African Union Assembly in January 2016 (Assembly/AU/Dec.589(XXVI)), provides for the AMDC to coordinate and oversee the implementation of the Africa Mining Vision and its action plan.

The development, management, and conservation of natural resources for the well-being of Africans is an imperative now, more than it has been before, as a consequence of increased extreme climatic conditions and the need for those with a reliance on these resources to adapt adequately.

Consequently, good governance of natural resources comprises but is not limited to the following norms, institutions, and processes, among other aspects:

- a) Inclusive decision-making regarding natural resource policies and practices, which is based on the full and effective participation of all relevant actors, with particular attention to the voice and inclusion of rights-holders and groups at risk of marginalisation.
- b) Recognition and respect for tenure rights, including rights to lands, resources, and waters, with particular attention to the customary, collective rights of Indigenous peoples and local communities, and to women's tenure rights.
- c) Recognition of and respect for diverse cultures, knowledge, and institutions that is grounded in sound and diverse forms of knowledge and respect for diverse cultures, values, and practices.
- d) Devolution of decisions, which are also taken at the lowest possible level appropriate to the social and ecological systems being governed, with particular attention to empowering the roles and authority of Indigenous peoples and local communities in natural resource governance.
- e) Strategic vision, direction, and learning Natural resource governance is guided by an overall vision of desired environmental and social outcomes and allows for adaptation in response to learning and changing conditions.
- f) Coordination and coherence between all actors involved in or affecting natural resource governance in order to coordinate around a coherent set of strategies and management practices.
- g) Sustainable and equitably shared resources, where actors responsible for natural resources have the means necessary to carry out sustainable management and governance activities, including from the equitable sharing of benefits generated from natural resources.
- h) Accountability by all actors regarding the environmental and social impacts they produce.
- i) Fair and effective rule of law to ensure that all natural resource-related laws and their application are fair and effective and protect the fundamental rights of the state.
- j) Access to justice and conflict resolution for resolution of grievances and conflicts regarding land and natural resources.¹¹

The Programme takes cognisance of the interlinkages of each area of focus, and the inter-disciplinary nature required to research the afore-mentioned sub-sectors.

3. DESCRIPTION OF THE ASSIGNMENT

The APRM is soliciting the services of a senior researcher as a technical expert to undertake preliminary research on natural resource governance in Africa. The consultant will conduct research and develop the study and framework with the guidance of the APRM. The technical expert shall provide expert advice to the

¹¹ Springer, J., Campese, J. and Nakangu, B. (2021). The Natural Resource Governance Framework – Improving governance for equitable and effective conservation. Gland, Switzerland: IUCN

Natural Resource Governance in Africa Programme on the development, processing, and delivery of the outputs of the initiative.

4. OBJECTIVE

The study aims to provide a political economy analysis¹² of natural resource governance in Africa. It assesses the status of environmental and natural resources governance in APRM member states and proposes a guiding policy framework for the African context.

The objectives of the study are to:

- a) Develop a conceptual and analytical framework to guide the political economy analysis of the natural resource governance programme of the APRM. In this regard, a political economy framing must necessarily take into consideration futures thinking, which is increasingly being advanced as a central feature of national planning and visioning by governments.
- b) Undertake a political economy analysis focusing on selected African countries relating to the governance of natural resources in Africa to inform a policy framework and programme design for an APRM initiative.
- c) Conceptualise and analyse the administration, management, harnessing and decision-making of natural resources in African member states.

5. SCOPE OF WORK

Under the guidance and strategic direction of the APRM, the Consultant shall, within the policies and procedures of the African Union APRM:

- a) Design and develop the research framework for the study of the political economy of natural resource governance in Africa that also reflects the current global geopolitical and international economic context.
- b) Conduct research and support data collection on natural resource governance in all African Union (AU) member states. This shall among others involve the facilitation of data collection and where necessary, administering questionnaires and interviews with relevant key stakeholders.
- c) Analyse research findings and present the same in a full technical report and a key highlights report.
- d) Based on the findings of the study define key strategy and policy response defining clear programme components for an anticipated APRM initiative.
- e) Facilitate technical meetings and workshops as per agreed roadmaps.

6. FACILITY AND SERVICES TO BE PROVIDED TO THE CONSULTANT

The Consultant will be provided with the following:

- a) Access to information and stakeholders to facilitate the assignment.
- b) Adequate office space with essential office furniture and office equipment, when necessary; and
- c) Access to the Internet, network resources and any relevant records that may be required.

¹² Political economy analysis focuses on how power and resources are distributed and contested in different contexts, and the implications for development outcomes. It gets beneath formal structures to reveal underlying interests, incentives and institutions that enable or frustrate change. In addition, it looks at the informal and formal rules that govern behaviour in a market system.

7. TIMEFRAME/DURATION

The expected commencement date for the assignment is January 2024 and the duration shall be 2 calendar months.

8. DELIVERABLES

- a) **Inception Report** - On the natural resource governance in Africa study which includes an outline of the format of the final research report with descriptions for each section.
- b) **A Research Report** - On *the Political Economy of Natural Resource Governance in Africa* sectioned into the thematic focus areas of transboundary water resources, land resources, mineral resources, and energy resources.
- c) **A Key Highlights Report** - On Natural Resource Governance in Africa – Key Findings and Recommendations. An extract from the Research Report on *The Political Economy of Natural Resource Governance in Africa*. The same to be presented in a comprehensive PowerPoint.
- d) **Weekly updates to the Director of the Governance and Specialised Reporting Directorate** - through the APRM Continental Secretariat coordinator on the Natural Resource Governance in Africa Programme.

9. LOCATION

APRM shall supervise the assignment every week at the APRM Continental Secretariat in Midrand, South Africa or where necessary, through video conference, telephone, and emails to assess the progress. The Consultant shall therefore be required to prepare progress reports for discussion.

10. CO-ORDINATION

The Co-ordinator shall assign tasks to the Consultant in line with the Terms of Reference. Performance will be assessed based on deliverables outlined in Section 8 above.

11. RESERVATIONS AND CONFIDENTIALITY

APRM reserves the right to withhold all or a portion of payment if performance is unsatisfactory, if work/output is incomplete, not delivered, or for failure to meet deadlines. In the event of the producer ending the contract prior to delivering all agreed upon products, a portion of the payments shall be returned to the APRM.

The consultant undertakes to maintain confidentiality on all information that is not the public domain and shall not be involved in another assignment that represents a conflict of interest to the prevailing assignment. The Consultant shall undertake to refrain from promoting any political or religious beliefs in the documentary movie which is the subject of this contract.

12. GENERAL INFORMATION

All consultancies will be advertised on an equal opportunity basis. The performance criteria to be used to assess the consultant shall be based on the deliverables and scope of work defined in these TORs.

13. LANGUAGE OF ASSIGNMENT

The Inception report for the Study on Natural Resource Governance in Africa must be presented in English or French.

14. PAYMENT

Payment breakdown:

- Pay 15% of Contract price upon submission and acceptance of the first draft of the Inception Report.
- Pay 35% of Contract price upon submission and acceptance of the first draft Report and related outputs; and,
- Pay 50% of Contract price upon submission and acceptance of the final draft of the Inception Report and the Report.

15. REPORTING

The Consultant reports to the Director of the Governance and Specialised Reporting Directorate at the APRM on all issues pertaining to the management of the project.

16. EVALUATION CRITERIA

Technical Evaluation Criteria		Weight
MSc in relevant discipline (10years)	10	20
PHD in relevant discipline (10-15 years)	15	
PHD in relevant discipline (over 15 years)	20	
Understanding of TORS, Methodology and Workplan		20
Work Experience		
Project management with relevant experience in the African Union or related national and international institutions. Relevant experience with international institutions will be considered as 60% of the specification. Demonstrated ability to write to a very high standard as evidenced by previous examples of relevant work accomplished in the field.		30
Strong technical background in Economics, Environmental Law, Natural Resource Governance, Agriculture, Environmental and/or Earth sciences, Political Science, Public Administration, and any other relevant field.		30
TOTAL		100

Only Candidate/Consultants who obtain a technical score of 70% and above shall be considered for financial evaluation.

17. CLARIFICATION

Clarification can be sought through email: tenderinfo@aprm-au.org and Interested Consultants may obtain further information by contacting the APRM Procurement Office during office hours (08h00 - 17h00 SAST). Clarification shall be published on the APRM website (<https://aprm.au.int/>) and MUST be requested not less than seven days before the closing date of the bid.

18. MODE OF APPLICATION/ SUBMISSION AND DOCUMENTS TO BE SUBMITTED BY CONSULTANTS.

i) The consultant **MUST** submit a combined Technical and Financial Proposal, containing his/her **up-to-date Curriculum Vitae** with contactable references (names and addresses of referees) one of which should be the last consultancy **and supporting document** (s). The technical proposal should demonstrate an understanding of the ToRS, the methodology and the detailed workplan. All applications in writing should be accompanied by **Certified copies of all academic qualifications**. The Financial proposal should provide a breakdown of the proposed cost and should be in USD.

ii) The Proposal shall be marked: **PROCUREMENT NUMBER: APRM/AU/GSR/NRGA/TOR/02/2024 INDIVIDUAL CONSULTANCY POLITICAL ECONOMY ANALYST OF STUDY ON NATURAL RESOURCE GOVERNANCE**

3) The proposal/bid shall be submitted through email: tender@aprm-au.org on or before **06 March 2024 at 11.00hrs South Africa local time**. Eligible women are encouraged to apply. The Bids shall be opened immediately after the closing date and time.

All applications in writing should be addressed to:

African Peer Review Mechanism
Private Bag XO8, Halfway House
Physical Address: 230 15th Road, 1st Floor,
Randjespark, Midrand, 1685,
South Africa
Tel: +27 11 256 3401
Submission Email: tender@aprm-au.org