

## Terms of Reference

### **Consultancy to Produce a study with the title:**

**“State of Play 2025: AfCFTA and Human Rights – a stakeholder mapping and assessment of regional initiatives advancing African economic integration through respect for human rights”**

#### **I. Background**

The Konrad-Adenauer-Stiftung (KAS) is a publicly funded not-for-profit German political foundation. With offices in more than 120 countries globally, KAS promotes democracy, the rule of law, social market economy and human rights, and fosters political exchanges. KAS is registered in Ethiopia as a “foreign organization” based on the Civil Society Organizations Proclamation No. 1113/2019. KAS Ethiopia/AU Office has been partnering with the Raoul Wallenberg Institute to enhance debates on the implementation of the African Continental Free Trade Area (AfCFTA) with a focus on the nexus between responsible business practices and human rights compliance.

The Raoul Wallenberg Institute of Human Rights and Humanitarian Law (RWI) is an independent academic institution established at Lund University in Sweden in 1984. RWI combines multi-disciplinary human rights research with education, support, and outreach to contribute to a wider understanding of, and respect for, human rights and international humanitarian law. Since the 1990s, RWI has engaged in human rights capacity strengthening and partnership in Africa. Among its prioritised thematic work, RWI covers 'business and human rights', which is about ensuring the development of a policy environment where democratic stakeholders can hold economic decision makers, public as well as private ones, systematically accountable to international human rights standards.

The work of the RWI and KAS is aligned within the context of supporting the economic integration and development of Africa, within the AfCFTA while strengthening AU-institutions and the observance of good governance and human rights on the African Continent.

Once fully implemented, the AfCFTA is widely expected to positively impact the economies of its State Parties. Recent ECA (2023) estimations show that the AfCFTA can help increase GDP, intra-African trade, output, and welfare and reduce poverty and inequality in the continent. Other expected benefits of the AfCFTA for its State Parties include helping them diversify their exports and reducing their excessive dependence on primary agricultural and natural resources exports. The benefits expected from the AfCFTA impact on all economic sectors, including manufacturing, and on the green and

fair transition. To realize this significant developmental potential of the AfCFTA, State Parties need to fully utilize their resources to transform and stimulate their economies.

Although business enterprises offer the potential to stimulate economic development, generate jobs, and create favorable conditions for realizing various human rights and freedoms, inadequately regulated businesses can negatively impact human rights. The harmful effects of irresponsible business practices on human rights enjoyment can range from community displacement—particularly affecting indigenous populations—to dangerous and exploitative labor conditions, child labor, environmental harm, and other violations.

## **II. The AfCFTA and African Human Rights Mechanism**

The African continent, characterized by some of the world's most rapidly expanding economies, is experiencing significant growth in business ventures across diverse sectors. Rich in natural resources and raw materials, Africa continues to draw substantial extractive industry investments, while African nations pursue their development objectives through expanded participation in large and medium-scale manufacturing. Investment from both domestic and international sources across various industries remains on an upward trajectory throughout the continent.

The African Union's institutional framework provides mechanisms for addressing human rights issues related to business and environmental concerns. The AU's human rights bodies—including the African Commission on Human and Peoples Rights (ACmHPR), the African Court on Human and Peoples Rights (ACtHPR), and the African Committee of Experts on the Rights and Welfare of the Child (ACERWC)—have worked to advance responsible business conduct that considers human rights and environmental factors, while strengthening corporate accountability for violations stemming from harmful practices. The ACmHPR's Working Groups on Extractive Industries, Environment and Human Rights Violations in Africa (WG-EI) and on Economic, Social and Cultural Rights (WG-ECOSOC), and ACERWC's Working Group on Children's Rights and Business are positioned to make concrete contributions in this area.

The African Continental Free Trade Area (AfCFTA), established in 2019, holds significant promise for enhancing intra-African commerce and strengthening African economies, thereby contributing substantially to poverty reduction. A milestone was achieved in AfCFTA operationalization in late 2024 that marks a turn from aspiration and standard-setting to impact in practice and far-reaching effects. The Protocols adopted in 2023 and 2024 cover impacts on society and the environment and introduce sustainability provisions and corporate obligations. For instance, the AfCFTA Protocol on Investment (2024) places Africa at the forefront globally in terms of ambition and innovation on responsible investment. As the AfCFTA becomes fully operational and creates a dynamic

trading environment across the continent, questions naturally arise regarding the integration of human rights standards into the Agreement and work of key institutions at continental, regional and national levels implementing its provisions.

Addressing this interplay between increased trade and the protection of human rights, the ACmHPR emphasized the importance of integrating human rights considerations into AfCFTA Agreement negotiations through ACHPR/Res.551 (LXXIV) 2023 and aligning AfCFTA with BHR standards in ACHPR/Res.550 (LXXIV) 2023. Similarly, the ACERWC's Working Group on Children's Rights and Business recently issued Resolution No. 20/2024, providing guidance on incorporating child rights perspectives into AfCFTA implementation.

Despite this institutional and normative set-up, there is uncertainty about the progress made in the implementation of the AfCFTA through a human rights lens. There is insufficient data demonstrating what the AHRMs are doing to advance the rights-based implementation of AfCFTA and there is even fewer data on the coordination between the AfCFTA Secretariat, the AHRMs, RECs policy organs and member states towards fostering a human rights based implementation of the trade agreement. At the same time, the AU's Policy Framework on Business and Human Rights has been delayed for years.

However, important work has already been done on the human rights impacts of the AfCFTA (Friedrich-Ebert-Stiftung, 2022) as well as the role of relevant human rights stakeholders in AfCFTA (NANHRI Guidance, 2023). The African Commission has laid out key priorities regarding AfCFTA and BHR in its twin Resolution from 2023. International donors and UN agencies have been broadly supportive of economic integration efforts under AfCFTA with several targeted interventions already completed. Several stakeholder groups, including trade union groups and CSOs, have mobilized in anticipation of the 5 year revision of the AfCFTA. RWI and KAS are collaborating to gauge the transformative potential the AfCFTA and contribute to its successful rights-based implementation.

### **III. The commissioned study**

RWI and KAS aim to commission a study that maps the actions of stakeholders in the application of human rights practices during the AfCFTA implementation.

#### **Commissioned State of Play and stakeholder mapping report**

To deepen understanding and provide an updated factual baseline on trade and human rights in Africa (AU), RWI and KAS are commissioning a 'State of Play 2025' and stakeholder mapping assessment. The aim is to document the most important mechanisms and initiatives that facilitate exchanges between the African Continental Free Trade Area (AfCFTA) and African Human Rights Mechanisms (AHRMs) that further the operationalization of the AfCFTA with observance for human rights.

The report should focus on implementation and deliver a comprehensive mapping of key stakeholders and their initiatives/programs/collaboration. The report should also analyze these initiatives and mechanisms to deepen understanding of the challenges, results and opportunities they present. The report should the most striking gaps and promising entry points for further RWI – KAS initiatives on sustainable trade, responsible investment and BHR. The research should concentrate on continental (AU level) as well as regional mechanisms (REC level) while noting, to the extent possible, leading state practices and developments (state level). The primary data collection method will consist of interviews in order to provide the most up-to-date and comprehensive picture of on-going initiatives. The report will be essential for raising awareness, organizing roundtables and sessions at regional events, and identifying priority actions and collaborations on the fast-moving interface of trade and human rights. and the operationalizing AfCFTA.

#### **IV. Deliverables and Responsibilities**

##### **Deliverables**

- A report of between 30- and 40-pages excl. references and annexes in English language.
- Present the findings during several co-organized events of RWI & KAS, including potentially at a co-organised event at the 4<sup>th</sup> African Business and Human Rights Forum taking place in Zambia, from 07 to 09 October 2025.
- Present the findings at an event at the sidelines AU-summit (2026).
- Provide the transcripts of all interviews by using an AI assistant for automatic transcription and synthesis (provided by RWI and KAS).

The consultant should be able to:

- To complete the drafting of the study within 30 working days (Time sheets have to be handed in upon completion of the first draft) with the option of a potential extension to 40 days.
- Complete the final report based on feedback from the audience (BHR Forum, Zambia).
- Conduct qualitative research, which in this instance must include in-depth semi-structured interviews with relevant stakeholders.
- Deliver an interim report and incorporate feedback provided by RWI and KAS.
- Deliver a Plan of action, including list of stakeholders to be interviewed and list of questions for the interviews.

- Be available to attend virtual meetings with RWI and KAS during the process of writing the report.

## V. Qualifications

The consultant should have the following qualifications

- Excellent written and verbal proficiency in the English Language
- Proven experience in qualitative research by providing two work samples where interviews was the primary methodology used in the research
- Have proficient knowledge on the process of the AfCFTA implementation, African Human Rights Mechanisms and African Union institutions

Requested Documents:

- CV of the Consultant(s)
- Financial Offer
- Technical Offer (Outline)

The technical offer should include at minimum:

### (1) Qualifications of the consultant(s)

- a) Profile – describing the field of expertise and accreditations as relevant
- b) Track Record – list of similar services as those required by ToR, indicating description of scope, duration, value, references

(2) Proposed **Methodology** – describe how you will address/deliver the demands of the ToR; providing a description of the essential performance, characteristics and quality assurance mechanisms that will be put in place, while demonstrating that the proposed methodology will be appropriate to the context of the work.

(3) Proposed **Schedule of Services** - provide a breakdown of proposed date schedule for implementing the assignment

(4) Sample of Previous Work - attach/annex at least two samples of similar work carried out in the last five years.

(5) The technical offer should specify the main interlocutors who will be interviewed (institutions not persons). This should include, but not be limited to: the AfCFTA Secretariat and other bodies set up under AfCFTA and its Protocols; regional human rights institutions such as the ACtHPR, the ACmHPR, the ACERWC; relevant bodies of the 8 RECs; ministries of selected AU member states, NANHRI, trade unions and CSO networks, the UNDP and other international organizations, international donors, chambers of commerce and other relevant business organizations. The offer

should also propose the number of interviewees from the various stakeholders based on the timelines.

All offers shall be sent to [Hiwote.Tadesse@kas.de](mailto:Hiwote.Tadesse@kas.de) and [tsion.hagos@rwi.lu.se](mailto:tsion.hagos@rwi.lu.se) by June 27, 2025 12:00 P.M. (Noon) East African Time

## **VI. Timeline**

The following table shows the timeline for this Assignment.

| <b>Task</b>                                    | <b>Timeline</b>        |
|--|------------------------|
| Signing a contract and start of the Assignment | Until July 5, 2025     |
| Updated Technical Offer/Work Plan              | July 9, 2025           |
| Inception Meeting                              | July 11, 2025          |
| Provision of a Mid-Term Report                 | August 15, 2025        |
| Submission of the first draft                  | September 15, 2025     |
| Presentation of the results                    | October 7-9, 2025      |
| Final Revision                                 | Until November 1, 2025 |
| Final Presentation (AU-summit)                 | Early 2026             |