

# **CONSULTANCY TO REVIEW AGREEMENT ESTABLISHING REGIONAL CENTRE ON SMALL ARMS & LIGHT WEAPONS IN THE GREAT LAKES REGION, HORN OF AFRICA AND BORDERING STATES (RECSA)**

Terms of Reference

## **Extension of submission deadline for the Review of the Agreement Establishing RECSA**

### **1.0 INTRODUCTION**

The Regional Centre on Small Arms and Light Weapons in the Great Lakes Region, Horn of Africa and Bordering States (RECSA) is an Intergovernmental Organization established in June, 2005 with the mandate of coordinating the implementation of the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons which was signed on 21<sup>st</sup> April, 2004. RECSA has 15 Member States namely: Republic of Burundi, Republic of Congo, Central Africa Republic, Republic of Djibouti, Democratic Republic of Congo, State of Eritrea, Federal Republic of Ethiopia, Republic of Kenya, Republic of Rwanda, Republic of Seychelles, Federal Republic of Somalia, Republic of South Sudan, Republic of Sudan, United Republic of Tanzania, and Republic of Uganda. The Secretariat is hosted by the Republic of Kenya.

#### ***1.2 Background***

RECSA implements its mission and mandate as given by the fifteen (15) State parties' signatory to the Nairobi Declaration and the Nairobi Protocol on the Prevention, Control and Reduction of Small Arms and Light Weapons in the Great Lakes Region, Horn of Africa and Bordering States with funding from the annual contributions by its Member States support from partners. The Agreement serves as a foundation for RECSA to collaborate with Member States in coordinating interventions towards reducing the proliferation of small arms and light weapons (SALW).

The primary purpose of this review is to assess the adequacy, effectiveness, and relevance of the current agreement establishing RECSA. The review will also identify gaps, challenges and as a guide towards a revised agreement that will enhance RECSA's capacity in conformity with the changing organizational needs, legal frameworks, relevant International instruments and emerging trends to address contemporary issues related to SALW.

### **2.0 OBJECTIVE OF THIS CONSULTANCY**

The main objective of the consultancy is to evaluate effectiveness of the current agreement establishing RECSA, and its Articles thereof, in view of the RECSA mandate and changing dynamics of SALW proliferation in the RECSA sub region and globally.

Assess insomuch as the current agreement has supported the implementation of RECSA Mission, Vision and previous Council of Ministers (COM) resolutions in line with the existing regional and global legal frameworks in the management and control of SALW proliferation and propose amendments to the current Agreement establishing RECSA for consideration and approval by the Council of Ministers.

### **3.0 SCOPE OF THIS CONSULTANCY**

The selected Consultant is expected to pay more attention to and assess the following but not limited to:

- i. The extent to which the aims and objectives of the current Agreement Establishing RECSA are being achieved;
- ii. The effectiveness of the Articles in the current agreement as regards to RECSA structure, the structure of the Secretariat in line with the current staff manual, RECSA financing mechanism and its mandate and RECSA policy decision making organs among other provisions in the current Agreement establishing RECSA with the view of making appropriate recommendations where necessary;
- iii. The extent to which the current Agreement takes into account international, Regional and National best practices and the principles of ethics, merit, equality, fairness, transparency, diversity, inclusivity and responsiveness;
- iv. Propose necessary amendments for consideration and approval by RECSA decision making organs for a revised Agreement establishing RECSA in line with the Mandate, Mission and Vision in compliance with RECSA policies;

The operational scope of this consultancy service will include but not limited to:

1. Assess the existing agreement on the establishment of the Regional Centre on Small Arms & Light Weapons in the Great Lakes Region, Horn of Africa and Bordering States (RECSA);
2. The assessment shall be performed through desk review of existing legal and procedural frameworks, consultations / interviews of Member States' representatives, relevant staff and senior decision makers of RECSA and general observation of work practice;
3. Review different policies and make recommendations of realistic changes to be made in the revised Agreement Establishing RECSA;
4. Submit the revised agreement document to RECSA management.

### **4.0 DESCRIPTION OF TASKS**

The process will be led by an independent consultancy firm or individual consultant(s) skilled in the field of international public law and institutional review. The consultant shall be guided by the existing agreement establishing RECSA and the articles therein, international and regional SALW control legal frameworks, relevant Council of Ministers resolutions, representatives of member states and the secretariat for the purpose of providing relevant information and materials as may be requested by the Consultant. *The current Agreement Establishing RECSA that is due for review is a 13page document with 16 articles.*

## **5.0 METHODOLOGY**

The selected consultant is expected to propose an appropriate methodology to deliver on the assignment, he/ she should ensure that the methodology is as participatory as possible including and involving RECSA key stakeholders.

The task, to a great extent, will be desk review with special attention to the relevance, effectiveness, feasibility, legal frameworks and sustainability of the provisions in the current agreement establishing RECSA with the view of recommending amendments for discussion and adoption by relevant RECSA decision making organs in line with the guiding principles and regulations.

## **6.0 EXPECTED DELIVARABLES AND OUTPUTS**

The selected consultant(s) is therefore expected to provide the following deliverables:

1. An inception report that summarizes how the consultant intends to undertake the assignment and deliver the expected outputs;
2. Internal draft Review Report addressing all the key issues contained in the ToR;
3. Draft updated Agreement establishing RECSA for review and inputs by RECSA management;.
4. Present the draft amended Agreement Establishing RECSA for presentation to Technical Advisory Committee (TAC) for review and input;
5. Review report and revised Agreement Establishing RECSA for consideration and approval by the RECSA Council of Ministers.

## **7.0 CONSULTANCY TIME FRAME**

The consultancy is to be undertaken within a period of 25 days, starting the first week of October 2024. Final draft document is expected to be delivered to RECSA by 25<sup>th</sup> October, 2024 in readiness for presentation to relevant RECSA policy decision making organs for consideration and approval.

## **8.0 REQUIREMENTS OF THE CONSULTANT**

1. Must be a qualified and registered Law consulting firm / Consultant;
2. Proven skills in International law, Organization development, Institutional and policy Review;.
3. Minimum of 5 years' experience with evidence of having undertaken similar assignments both at national and regional level;
4. Proven excellent communication skills;.
5. Highly motivated and committed to the values of transparency and integrity;
6. Fluency in English. Knowledge of French and Arabic is an added advantage;
7. Knowledge of RECSA or similar organization operations and working environment.

Interested candidates should submit a both Technical and Financial Proposals for consideration. Submitted proposals should include the following;

1. Description of company/organization/key personnel profile.

2. Summary of the understanding and interpretation of the Terms of Reference
3. List of at least three previous relevant assignments relating to legal, institutional and policy review undertaken in recent time with evidence attached where possible.
4. CVs of lead person(s) to carry out the assignment and their contact details. The staff being members of the relevant professional bodies is an added advantage.
5. Proposed methodology and work plan.

RECSA will use a combined scoring method where the Technical and Financial proposals will be weighted at 70% and 30% respectively.

## **9.0 CORRUPT OR FRAUDULENT PRACTICES**

The call requires that the applicant observes the highest standards of ethics during the procurement process and execution of the contract. The following terms are defined as provided;

- a) “corrupt practice” means the offering, giving, receiving, or soliciting of anything of value to influence the action of a public official in the procurement process or in contract execution; and
- b) “fraudulent practice” means a misrepresentation of facts in order to influence a procurement process or the execution of a contract to the detriment of the organization, and includes collusive practice among (prior to or after tender submission) designed to establish tender prices at artificial non-competitive levels and to deprive the Procuring entity of the benefits of free and open competition; The procuring entity will reject a proposal for award if it determines that the tenderer recommended for award has engaged in corrupt or fraudulent practices in competing for the contract in question.

## **10.0 ROLE OF RECSA**

To facilitate the consultancy work, RECSA will:

- a. Prepare a consultancy contract with the consultant or the consultancy firm.
- b. Process consultancy fee payments directly to the consultant(s) in accordance with the contract.
- c. Inform, avail Relevant Directorates/ key stakeholders to participate in the stages of this exercise.
- d. Provide all relevant background documents or reference materials including, current agreement document and working RECSA policies to assist in the undertakings of the consultancy assignment.
- e. Organize internal meetings of the review exercise and other meetings with the Consultant.

## **11.0 SUBMISSIONS OF THE PROPOSALS**

Interested consultants / Consulting firms are expected to submit two sets of sealed proposals, **Technical** and **Financial**, clearly marked as such, and sent to: [procurement@recsasec.org](mailto:procurement@recsasec.org) OR dropped at RECSA reception Tender Box, addressed to;

The Director of Administration and Finance  
Regional Centre on Small Arms & Light Weapons (RECSA)  
P.O. Box 7039-00200  
Nairobi, Kenya

**Deadline for receiving submissions has been extended to 30<sup>th</sup> September. 2024.**

Only shortlisted candidates will be contacted.