**COMMON MARKET FOR EASTERN AND SOUTHERN AFRICA**

**TERMS OF REFERENCE**

**SHORT TERM CONSULTANCY**

ON

DEVELOPMENT COMESA BUSINESS VISA SCHEME FOR MEMBER STATES

**30TH SEPTEMBER 2022**

**TERMS OF REFERENCE (TOR)**

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| **Project title:** | **COMESA Business Visa- Instrument for the facilitation of movement of businesspersons in the COMESA Region** |
| **Assignment title:** | **Development of COMESA Business Visa scheme for Member States** |
| **Assignment Duration:** | **45 days** |
| **Duty station:** | **Home-based** |
| **Travel:** | **Mainly virtual field work** |
| **Eligibility** | **Individual Consultant** |

1. **INTRODUCTION**

The Common Market for Eastern and Southern Africa (COMESA) Treaty envisages a fully integrated, internationally competitive regional community within which goods, services, capital, and labour are free to move across national borders. Additionally, COMESA has two Protocols namely the COMESA Protocol on the Gradual Relaxation and Eventual Elimination of Visas (Visa Protocol) 1984 which is in force and under implementation by Member States and the Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Right of Residence(Free Movement Protocol) which is awaiting the requisite signatures and ratifications for it to enter into force.. However, due to various reasons, the Visa Protocol which is already in force has not been not been fully implemented by all Member States hence the movement of persons, particularly businesspersons, remains constrained to the detriment of trade and regional integration.

There are several aspects to the justification and rationale for the facilitation of the movement of businesspersons within COMESA. Primarily, the fact that the COMESA bloc is premised on a gradual establishment of a Common Market and has advanced in implementing a Free Trade Area (FTA) in terms of trade in goods and is now moving g towards the implementation of the Protocol on Trade in Persons requires that the drivers of business and trade in the common market are assisted with facilitation in movement across the region. Currently, there appears to be a lack of appreciation of the link between trade and business in the bloc and the facilitation of the movement of businesspersons. And therefore, there are not only different regimes in different Member States for facilitating the movement of businesspersons, but the requirements for applying for a visa and the time it takes to issue the same differ markedly and adds to the cost of doing business in the region.

It should be appreciated that in some countries of COMESA, even though visas could be issued to businesspersons, whether upon arrival or in advance, the business visa tends to have more restrictions, and is usually of shorter duration of stay, than other visa forms such as the tourist visa. This discrepancy possibly stems from the notion that a tourist is seen as coming to spend money while a businessperson could potentially be coming to take up business opportunities and, in the process, potentially deprive the citizens of the hosting country. This notion certainly doesn’t advance the ideals of the Common Market and could be addressed by having a uniform COMESA Business Visa (CBVS) implemented in the regional bloc.

In 2012, COMESA Ministers Responsible for Immigration presented to the Thirty-Second (32nd) Council of Ministers a decision on the development of a COMESA Business Passport adopted by the 5th Meeting of COMESA Ministers Responsible for Immigration as an instrument to facilitate the movement of business persons in the region. After consideration of the decision of the COMESA Ministers Responsible for Immigration, the COMESA Council of Ministers decided that instead of going straight of r Business Passport, COMESA should first come up with a common travel document for businesspersons known as the COMESA Business Visa. This business visa is meant to be an interim measure, as member states move towards the implementation of the COMESA Free Movement Protocol. In pursuance of the above decision of Council, COMESA Business Council (CBC) worked with COMESA Secretariat towards the development of the COMESA Business Visa..

In 2016, CBC commissioned a study on the development COMESA Business Visa and Business Visa scheme. The objective was to develop an instrument that would facilitate the movement of business persons within the COMESA region, taking cognizance of the fact that there are already within COMESA two protocols that seek to address the movement of persons within the region. The results of the study were considered and adopted by COMESA Ministers Responsible for Immigration.

The current study proposed by CBC will build on this study on the development of common travel document for businesspersons known as the COMESA Business Visa and Business Visa scheme.

It is against this background that the COMESA Business Council (CBC) is seeking the services of professional and competent consultant to develop COMESA Business visa Scheme for member states.

1. **OBJECTIVE OF THE ASSIGNMENT**

2.1 Overall Objective

To develop an effective and functional COMESA Business Visa Scheme for the Member States.

2.2 Specific Objectives

1. To review the CBC report on COMESA Business Visa Scheme, instrument for facilitating movement of Businesspersons in the region and other relevant documents.
2. To determine the documentation, technical, legal and regulatory and institutional requirements for COMESA Business Visa and Business Visa Scheme for member states.
3. To design COMESA Business Visa and Business Visa Scheme for member states based on documentation, technical, legal and regulatory and institutional requirements.
4. To estimate the cost of development and maintenance of the COMESA Business Visa Scheme for Member States.
5. To prepare road map for implementation of COMESA Business Visa Scheme for member States;
6. To prepare Request For Proposal (RFP) for development of COMESA Business Visa Scheme for Member States.
7. **SCOPE OF WORK AND TASKS**

To achieve the above objective(s) of the assignment, the Consultant will undertake the following tasks:

* 1. Review the COMESA Business Council (CBC) report on COMESA Business Visa Scheme, instrument for facilitating movement of Business persons in the region and other relevant documents;
  2. Determine the documentation, technical, legal and regulatory and institutional requirements for COMESA Business Visa and Business Visa Scheme for member States that should also serve the basis for selection of the vendors/service providers;
  3. Design of the COMESA Business Visa and a functional Business Visa Scheme for member states based on documentation, technical, legal and regulatory and institutional requirements.

The proposed requirements to be incorporated COMESA Business Visa scheme should include:-

1. Documentation requirements,
2. Technical requirements,
3. Legal and regulatory requirements,
4. Institutional requirements.
   1. Estimate the cost of developing and maintaining of COMESA Business Visa Scheme for member states;
   2. Prepare road map for implementation of COMESA Business Scheme for member states;
   3. Prepare Request For Proposal (RFP) for development effective and functional COMESA Business Visa Scheme for member States to assist in selection of vendors/Service providers.
5. **APPROACH AND METHODOLOGY**

The consultant is expected to explain the approach and methodology that it will use to undertake the assignment in an Inception Report, including the workplan.

The proposed approach and methodology should include, among others, the following: -

* 1. Kick off meeting: This meeting entail discussing the TOR for common understanding and agree on some administrative issues, among other issues.
  2. Desk review: The consultant is expected to undertake in-depth review of relevant documents, literature and reports related to movement of businesspersons and the business visa. The Consultant is expected to consider draft findings from the Trade Com study on the nexus between trade and the movement of businesspersons which will be availed to the Consultant.
  3. Virtual Field missions and stakeholder engagements: The consultant will be required to undertake consultations with key and relevant stakeholders in the selected countries, which will inform the outcome of the report.
  4. Report writing. The consultant will draft report on the development of functional COMESA Business visa scheme for member states, estimated cost of development, roadmap for implementation and prepared draft RFP.
  5. Presentation of the reports for validation: The consultant will be expected to present the draft report on the development of functional COMESA Business Visa Scheme for the Member States, estimated cost of development, road map for implementation and prepared draft RFP to regional stakeholder’s consultative workshop.

1. **PERFORMANCE PERIOD**

The performance period for the assignment is from the date of signing, for a period of 45-man days with an execution period of three Calendar months.

1. **CONSULTANCY FEES**

The Individual Consultant will be paid an all-inclusive fee of Euro 18,000 from the EDF 11 Fund – Trade Facilitation Budget Line.

1. **THE OUTPUTS /DELIVERABLES**
   1. Inception report on the development of the COMESA Business visa scheme which should include:
      1. Background – Objective and description of the consultant’s understanding of the tasks.
      2. Approach and Methodology – Explain approach and methodology, data collection and interview questions. Provide a list of stakeholders to be interviewed etc.;
      3. Work plan – Sequencing activities with timelines including meeting schedules;
      4. Survey instrument
      5. Report format/structure.
   2. Draft Report which should include:
      1. Review of COMESA Business Council (CBC) report on COMESA Business Visa Scheme and other relevant documents.
      2. The documentation, technical, legal and regulatory and institutional requirements for COMESA Business Visa and Business visa scheme for member states that should also serve the basis for selection of the vendors/service providers.
      3. Design of a functional Business Visa Scheme for the COMESA member States based on documentation, technical, legal and regulatory and institutional requirements.
      4. Estimate the cost of developing and maintaining of COMESA Business Visa Scheme for member states.
      5. Prepare roadmap for implementation of COMESA Business Visa Scheme for member States.
      6. Prepare Request For Proposal (RFP) for development effective and functional Business Visa Scheme for member states to assist in selection of vendors/service providers.
   3. Final Report
2. **TIMELINES FOR UNDERTAKING THE ASSIGNMENT**

The table below shows the expected outputs and the timeline for the assignment.

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| **OUTPUT** | **DESCRIPTION** | **PERIOD** | **LOCATION DETAILS** |
| Inception report | Submission of inception report | 5 days | Home based |
| Draft report | Submission of draft report | 30 days | Home based-virtual field work |
| Presentation of Draft report stated above to validation workshop and incorporate comments | Presentation of draft report stated above to stakeholders at a workshop and capturing inputs of stakeholders on them | 4 days | Home based |
| Final report | Final report submitted and approved, in accordance with the requirements of the contract | 1 day | Home based |

1. **PROFILE OF THE INDIVIDUAL CONSULTANT**

The Individual consultant should have the following minimum qualifications to undertake consultancy work: -

* Degree in law, economics and/or international migration or trade policy/ related fields.
* At least 7 years of proven working experience on regional integration issues.
* Must have technical background and experience in the regional migration policy and the movement of persons in regional integration and must have undertaken similar studies in the area of focus at regional or international level.
* Proven working experience in similar national or regional and international studies.
* Proven capacity to interact with national and international stakeholders in public and private sectors in COMESA region.
* Excellent written and communication in one of the following official languages of COMESA: English or French or Arabic.