



Date: 2 september 2009

FIELD VACANCY NOTICE

<p>Title: ICT Policy, Legal and Regulatory Expert Country: TBD Duty station: TBD</p>	<p>Type of appointment: Senior Expert – P.5 Duration of appointment: 60 working days at home and field missions to attend up to 4 meetings lasting each of them up to 4 working days in locations to be defined (TBD) Date of commencement: 5 October 2009</p>	<p>Post number (Ref.): HIPSSA/SA-1 Date limit for application: 21 September 2009 Applications from women are encouraged</p>
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Duties:

Introduction

This ITU-EC joint project for “Harmonisation of ICT Policies in Sub-Sahara Africa” (HIPSSA) is building on the experienced gained with a pilot project funded by European Commission (EC) and ITU that led to the adoption of Additional Acts for telecommunications to the ECOWAS Treaty. It aims at developing and promoting harmonized policies and regulatory guidelines for the ICT market as well as building human and institutional capacity in the field of ICT through a range of targeted training, education and knowledge sharing measures. This project will result in the creation of harmonized regional and national policy, legal and regulatory frameworks conducive to significant investments in the ICT infrastructures and services.

Description of duties

The expert will work under the supervision of the ITU-EC Project Manager for Harmonization of ICT Policies in ACP countries, the direction of ITU-EC HIPSSA Project Coordinator and in close collaboration with the ITU-D Regulatory and Market Environment Unit (RME), the ITU Regional Office for Africa (ROA) including the ITU Area Office for Southern Africa (AO-SA) and the SADC Secretariat

Under the SADC guidance the Expert may, in process of his/her work, consult the stakeholders such as CRASA (Communications Regulatory Authority of Southern Africa), SATA (Southern Africa Telecommunications Operator’s Association) among others.

The expert will be responsible for reviewing the existing SADC regional harmonized policy and legal frameworks and drafting a new set of documents to replace and/or update the existing ones: Relevant Chapters of the SADC Protocol on Transport, Communications and Meteorology (1997), Telecommunications Policies for SADC (June 1998) and Telecommunications Bill Model for SADC (June 1998).

These documents have been drafted in the context of pre-liberalisation environment and should therefore be updated taking into account the phenomenon of full liberalization and convergence, as well as the global trends in the ICT markets.

The expert will also be responsible for the drafting of SADC Policy Framework on Convergence. This policy document shall provide guidelines for SADC Member States to address challenges of convergence and support them in taking full benefit of the related technology and market evolutions.

The development of this set of documents shall be undertaken as follow :

Assessment

Interviews led by the expert. The list of countries will be provided by the ITU/HIPSSA team and SADC Secretariat.

Drafting

1. SADC Protocol on Transport, Communication and Meteorology

- 1.1. Proposed amendments to the SADC Protocol on TCM should mainly focus on the Chapter 10 currently dedicated to telecommunications and that should from now on address the whole ICT sector. Its existing provisions were mainly drafted in a pre-liberalisation context. They should be upgraded to cope with today's level of competition and paved the way for a full liberalization taking into account the phenomenon of convergence.
- 1.2. The review¹ of the Protocol on TCM has been listed as an objective under the Target 1 of RIDSP Section 4.6.2 in line with Art 13.2 of the protocol encouraging for regular updates and inclusion of new areas of cooperation. In doing so, the SADC member states shall consider the adoption of amendments and/or annexes to the Protocol on TCM as provided by Art 14.5.
 - 1.2.1. In compliance with art 13.2, the protocol shall be reviewed and a list of proposed broad evolutions and specific changes shall be produced and submitted to approval by SADC Secretariat.
 - 1.2.2. In compliance with art 14.5, the evolutions and changes agreed on shall be implemented in the form of amendments or annexes.
- 1.3. Regarding implementation at national level, the expert will explore with the stakeholders the mechanisms for transposition of the above proposed changes or updates in the light of articles 14.1, 14.6 and 13.1 of the protocol.
- 1.4. The expert will review and update the SADC Protocol on TCM in the view of SADC current institutional setup. Among others, reference to SATCC and its Technical Unit shall be removed and replaced by SADC Secretariat.

2. SADC Policy Framework on Convergence

- 2.1. This policy document should clearly define what is commonly understood by "convergence" and detail the consequences of on-going integration movements between digital networks and digital contents on one hand and between the different services (like voice, data and audiovisual) offered by fixed, mobile and broadcasting operators.
- 2.2. The expert will develop a compact set of guidelines to support SADC Member States in steering the transition from isolated markets towards an always more integrated market. These guidelines will mainly address competition issues due to the seamless provision through various fixed and mobile access of closely integrated voice, data and multimedia services.
- 2.3. The document shall help SADC Member States to identify the new dispositions provided by the SADC Model Policy for ICT and SADC ICT Model Bill to turn the challenges of convergence into opportunities for innovative services and greater affordability of existing services.

3. SADC Regional Policy for ICT

- 3.1. The regional policy should integrate the objectives of the SADC ICT declaration and take utmost account of the latest development related to the implementation of this strategic document (cf. annotated agenda of 2008 Ministers' meeting in Mauritius) as well as the ICT Policies been adopted in various SADC Countries over the last years or in the process of being adopted.

¹ Review the 1996 Telecommunications Protocol and the Broadcasting protocol to accommodate the wider perspectives of Information and Communications Technologies (ICT) by 2005

4. SADC ICT Model Bill

- 4.1. The Telecommunication Model Bill for SADC should be reviewed in the light of the current national experiences and taking into account the best practices in the region.
- 4.2. References to pre-liberalisation issues like privatization of national operators (Schedule 1), transfer dates or exclusive services should be considered for removal.
- 4.3. The expert shall adapt the structure of the Model Bill in order to take into account convergence and full liberalization.
- 4.4. Additionally the definitions shall be updated to reflect the new scope of this ICT model bill encompassing all electronic communications which includes telecommunications, internet services and broadcasting services.
- 4.5. The expert should work on, but not limited to, the following:
 - 4.5.1. The expert will review the definition of classes of services as mentioned in art 27 and the services listed in art 32 (2) taking into account convergence and full liberalization. In doing so he will make a distinction between the retail and wholesale markets
 - 4.5.2. The regime of licensing and authorisations should be modernized.
 - 4.5.3. Based on experienced gained from the previous years at national level, market conditions mentioned by art 28 shall be made more explicit and this article may provide more guidance to member states.
 - 4.5.4. The articles regarding the regulator shall be updated in regards of best practices.

5. Applicable to all documents:

- 5.1. All these documents should be clearly technology neutral.
 - 5.2. The expert will work in close collaboration with the stakeholders to produce a coherent and complete set of documents based on a clear hierarchy with general aspects dealt in the Protocol , policy objectives in the policy document and the implementation aspects included in the model bill in order to have an articulated set of provision avoiding overlaps or gaps between the documents
6. The development of this new set of documents should not be done in isolation of the other regional initiatives such as especially COMESA and EAC but also ECOWAS, UEMOA and CEMAC in order to facilitate a pan-African harmonization process in the future.
 7. The expert shall present and discuss the draft report at a validation workshop for SADC Member States with the ITU and SADC Secretariat and integrate their comments and recommendations.

Concrete deliverables:

- Interviews' reports (Assessment) with a list of proposed broad evolutions and specific changes to the Protocol shall be produced and submitted to approval by SADC Secretariat and the HIPSSA project team.
- Based on the above agreement, a first draft of the four documents (amended SADC Protocol on Transport, Communication and Meteorology, new SADC Policy Framework on Convergence, new SADC Regional Policy on ICT and new SADC ICT Model Bill) shall be delivered by 31 October 2009, each of them supplemented by an explanatory note explicating motivations;

- Presentation of these drafts at a validation workshop to be organised by the HIPSSA Project team before March 2010..
- Second draft of the four documents integrating the amendments discussed by the validation workshop shall be ready within 4 weeks of the SADC Policy Organs yearly meeting, each of them supplemented by an amended explanatory note. In addition, a table will be submitted comparing the proposed amendments to the previous versions of the articles to be modified;
- The SADC Secretariat will then submit for approval the draft recommendations of the consultant to the SADC Policy Organs by June 2010.
- The final draft will take into consideration any inputs that may be received from such meetings and should be delivered by 15 July 2010.
- The delivery of each of the drafts shall be supplemented by presentation material in the form of slides summarizing the major changes in between two versions of the documents and their justifications.

Languages: Excellent command of English. Outstanding written communications skills. Knowledge of other SADC official languages (French and Portuguese) will be an added advantage.

Qualifications and Experience:

Senior Expert/

1. Advanced university degree in law, international law, telecommunication and ICT law or relevant field such as SADC community law, ICT and telecommunication Policy and Regulation, etc., OR equivalent education in a recognised college of advanced education with a diploma of equivalent standard to that of an advanced university degree in one of the above-mentioned fields.

2. At least 10 years of progressively responsible experience in the field of telecommunications and ICT relevant to the post.

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EMOLUMENTS:

			Base Salary	
<i>Special Service Agreement</i>	per working day	US\$	340.-	} +Daily Subsistence Allowance (DSA)
<i>Short-term</i>	per annum	US\$		} paid in local currency at prevailing UN rate
<i>Intermediate-term (with dependents)</i>	per annum	US\$		+US\$ {Post
<i>Intermediate-term (single)</i>	per annum	US\$		+US\$ {Adjustment

The remuneration offered cannot be higher than quoted above. Both post adjustment and DSA are based on location and subject to variation. For detailed information, please refer to conditions of employment for ITU technical assistance project personnel.