

JOB DESCRIPTION N° HIPSSA/G-1

Title: ICT Policy, Legal and Regulatory Expert

Grade: P - 5

Country: TBD

Duty Station: TBD

Duration of appointment: 50 working days

Description of duties:

Introduction

This ITU-EC joint project for “Harmonisation of ICT Policies in Sub-Sahara Africa” (HIPSSA) is a scale up of a pilot project funded by European Commission (EC) and ITU and successfully implemented in West Africa. 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 and the Telecommunications and Posts division within the Infrastructure and Energy Department (IED) of the African Union’s Commission (AUC).

The expert shall liaise with legal practitioners who are recognized references in the field, regional economic communities (REC) representatives and EC officials who are the authors or first hand contributors to the development of regional harmonized legal and regulatory frameworks to validate assumptions.

The expert will be responsible to draft a report assessing the current level of harmonisation across regional ICT policies, legal and regulatory frameworks in Sub-Sahara Africa. The development of this set of documents shall be undertaken in the following phases:

1. The expert shall carry out a comprehensive review of the regional initiatives regarding harmonisation of ICT policies, legal and regulatory frameworks. The expert will receive the initial assessment of regional harmonized frameworks done by the HIPSSA Project Coordinator regarding CEMAC, COMESA, ECCAS ECOWAS/UEMOA, and SADC and shall complement this initial assessment ensuring that all relevant regional policy, legal and regulatory documents are exhaustively listed. In addition, the expert shall review all the other regional organisations such as CEN-SAD, EAC, IGAD, IOC, UMA, etc.;
2. The expert shall document and comment the legal basis and enforcement power of each regional economic and monetary community regarding harmonisation. In doing so, the expert shall more specifically document:
 - 2.1. The legal basis (treaties, conventions, etc) for regional regulatory harmonisation, establishment of common markets and regional economic integration,
 - 2.2. The available relevant legal forms, their legal force and related consultation mechanisms, law making and decision making procedures,
 - 2.3. The legal and regulatory enforcement mechanism (direct or dual effect, role of regional supreme court) and transposition needs;
3. For each regional economic and monetary community, the expert shall document the existence, role and competence of regional regulatory body (regional association of national regulators, specialized regulatory technical committee, etc.) with regard of regulatory harmonisation and implementation of regional harmonized frameworks.

4. The result of the review shall be analyzed comparing the regional harmonisation initiatives, resulting harmonized frameworks and constitutive documents in order to determine commonalities and divergences according
 - 4.1. to their normative nature (policy, legal and regulatory) commenting on the potential emphasis given by some initiatives to one or more of these three categories,
 - 4.2. to the subjects covered (licensing, universal service and access, frequency management, numbering, interconnection and cyber-security) stressing out if they are all addressed and how exhaustively each of them are covered
 - 4.3. by date identifying trends in the instruments used for harmonisation as much as in the harmonized content itself. Most regional initiatives have reviewed the harmonized frameworks resulting from previous attempts in and outside of the region and may have (or not) integrated some of their components.

The expert shall summarize the results of this comparative analysis in a table. Harmonisation method and harmonized content shall be treated separately.
5. In the perspective of a potential pan-African harmonization initiative with the objective to bring regional harmonized frameworks closer together, the expert shall identify the key differences and commonalities under a gap analysis across the different subjects listed above (4.2).
6. The expert shall identify the key challenges and opportunities related to achieving a harmonised regulatory approach and present the results under a SWOT analysis for each regional organisation;
7. In the addition to the above assessment, the expert shall
 - 7.1. briefly comment on harmonisation initiatives in Sub-Sahara Africa comparing them to other international ones (EU, Asia, US etc) and
 - 7.2. propose forward looking recommendations on the potential development of a pan-African regulatory framework.
8. The expert shall present and discuss the draft final report with the ITU and AUC and integrate their comments and recommendation.

Concrete deliverables:

- Comprehensive review of all regional ICT regulatory harmonization initiatives in Sub-Sahara Africa (to be delivered one week after the mission's starting date);
- Review of regional harmonization initiatives' legal bases, legal instruments and enforcement mechanisms (to be delivered two weeks after the mission's starting date);
- Comparative study based on the analytical axis/orientations identified above including a summary table and a gap analysis (to be delivered four weeks after the mission's starting date);
- Draft report (to be submitted six weeks after the mission's starting date)
- Final report (approx. 100 pages) covering all steps detailed in the description of duties including the previous deliverables and an executive summary, In addition and under annex format, the report shall also include a copy of all the legal text used for the assessment (to be submitted nine weeks after the mission's starting date).
- Presentation slides of main outcomes.
- Interviews' reports.

Qualifications and experience:

1. Advanced university degree in law, international law, telecommunication and ICT law or relevant field such as community law, ICT and telecommunication regulation, etc., OR education in a reputed 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 8 years of progressively responsible experience in the field relevant to the post.

Languages:

Excellent knowledge of both French and English