



ITU-EC Project

Harmonized ICT Policies in the ACP countries

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Support for Harmonization of the ICT Policies in Sub-Sahara Africa

Call for application n° HIPSSA/SA-1/INT (d)

Title : Senior International ICT Policy, Legal and Regulatory Expert

Type of contract: Work at home

Starting date : 25 January 2010

Ending date: 20 February 2010

The remuneration offered cannot be higher than 340 USD per working day for an International P-5. Both base salary 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.

Description of 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 SADC Secretariat. The expert will also liaise as needed with ITU-D Regulatory and Market Environment Unit (RME) and the Human Capacity Building (HCB) Division of the BDT and the ITU Regional Office for Africa (ROA) including the ITU Area Office for Southern Africa (AO-SA).

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) and SATA (Southern Africa Telecommunications Operator's Association) among others.

The international expert will coordinate a team of one senior regional expert (cf. JD HIPSSA/SA-1/SRG) and a regional expert (cf. JD HIPSSA/SA-1/REG). The team is responsible for updating the SADC ICT Policy and Legal Framework.

He will be responsible for reviewing and updating the following documents (or drafting a new set)

1. relevant Chapters of the SADC Protocol on Transport, Communications and Meteorology (1997),
2. Telecommunications Policies for SADC (June 1998) and
3. Telecommunications Bill Model for SADC (June 1998),

hereafter the "existing SADC ICT Policy and Legal Framework". He will also be responsible for drafting

4. 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.

This set of four documents is hereafter referred to as the "updated SADC ICT Policy and Legal Framework".

The expert's duties covers:

a. Assessment of SADC ICT Policy and Legal Framework:

1. The expert will conduct interviews of key stakeholders in collaboration the regional expert and co-draft an interview's report with the regional expert (cf. JD HIPSSA/SA-1/REG). The list of stakeholders to be interviewed will be provided by the senior regional expert (cf. JD HIPSSA/SA-1/SRG).
2. Based on the interviews' reports and the assessment report provided by the regional expert (cf. JD HIPSSA/SA-1/REG), the expert will provide a list of proposed broad evolutions and specific changes to the existing SADC ICT Policy and Legal Framework to the senior regional expert and regional expert for comments. Based on their comments, the expert will submit a revised proposal to SADC Secretariat and the HIPSSA Project Team for approval.

b. Drafting of SADC ICT Policy and Legal Framework

Based on the above results, the expert will draft proposals taking into account the following points as well as an explanatory note highlighting their motivations and rationale. The expert will submit the set of documents for comments to the regional experts.

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

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

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.

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.

C. Integration of comments on the updated SADC ICT Policy and Legal Framework:

1. After having discussed the proposals and corresponding explanatory notes with the regional experts, the expert will consolidate the comments of the regional experts into a revised set of documents (cf. JD HIPSSA/SA-1/SRG and JD HIPSSA/SA-1/REG).
2. The expert will send the revised set of documents for comments to stakeholders in close collaboration with the SADC Secretariat. The documents shall be presented under the format of draft proposals of amendments and associated explanatory notes.
3. The expert will be responsible for the finalization of the complete set of documents of the "updated SADC ICT Policy and Legal Framework" including the associated explanatory notes and the slides presentations of the interviews' and assessment's reports, broad evolutions and specific changes to the existing SADC ICT Policy and Legal Framework.

These first drafts shall be presented and reviewed during a consultative SADC meeting in preparation of SADC ICT Ministers Conference during the 2nd quarter of 2010. Additional Terms of reference will be provided for these future steps.

Concrete deliverables

1. Draft interviews report and a list of broad evolutions and specific changes to the existing SADC ICT Policy and Legal Framework by 8 January 2010.
2. A final version of the previous documents taking into consideration discussions and comments by regional experts by 13 January 2010 including the slides presentations presenting the main conclusions of these documents;
3. Based on the above agreed list of broad evolutions and specific changes, a 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 20 January 2010 each of them supplemented by an explanatory note explaining rationale and motivations taking into account the discussions and comments by regional experts;

4. Transmission to stakeholders on 26 January 2010 for comments with deadline for their submission on 15 February 2010.

5. Final revised drafts of documents taking into account the consolidated stakeholders' comments by 18 February 2010.

(Note: the copyright for all documents produced under the project shall be vested with ITU and SADC.)

Qualifications and experience

1. Advanced university degree in law, international law, ICT law or relevant fields, 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 10 years of progressively responsible experience in the field of universal service and access, relevant to the post.

Languages

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

Please address applications, quoting above reference , to:

Mr. Sandro BAZZANELLA

ITU-EC Project Manager

International Telecommunication Union

Place des Nations, CH-1211 GENEVA 20, SWITZERLAND

with your Personal History File (PHF) and a short written proposal to the following email address:

hipssa@itu.int