



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/WA-1/LR/NAT

Title :	National legal expert specialized in telecommunications and ICT regulation
Country :	Liberia
Duty Station :	Monrovia
Type of contract:	Special Service Agreement (SSA) for a lumpsum
Starting date :	<u>15 February 2010</u>
Ending date :	<u>30 May 2010</u>
Duration of appointment :	15 working days at home and 10 working days in Monrovia
Payment :	Lumpsum for work at home and on site plus travel expenses (air travel and perdiem)
<i>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.</i>	

Description of duties:

Introduction

This ITU-EC joint project for “Harmonisation of ICT Policies in Sub-Sahara Africa” (HIPSSA) is building on the experience gained with a pilot project funded by European Commission (EC) and ITU that led to the adoption of Supplementary 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 a policy, legal and regulatory frameworks conducive to significant investments in the ICT infrastructures and services.

It also meets the needs expressed by beneficiary countries in building capacity for regulating telecommunications and e-readiness. Its objectives are the following:

- Support the implementation of harmonized policies and regulations by regional organizations
- Develop and promote policies and regulations of the ICT market for each sub-Saharan Africa
- Strengthen human and institutional capacity in ICT through targeted training and measures for sharing knowledge

Description of duties

The consultant will work under the supervision of ITU-EC Project Manager for harmonization of ICT policies in ACP countries, under the direction of HIPSSA Project Coordinator and in close collaboration with national Authorities of Liberia, the ITU Regional Office for Africa, in particular, the ITU Area Office for West Africa, the ITU-D Regulatory Environment and Market unit (RME), ICT Applications and Cyber-Security unit (CYB), Human Capacity Building unit (HCB) and ECOWAS Commission’s officers in charge of telecommunications and ICT.

The consultant will assist the national Authorities of Liberia in the transposition into national law of ECOWAS Community acts for telecommunications and ICTs and run a training workshop on the new provisions introduced by the updated legislation.

In order to complete the transposition, the ECOWAS member state, recipient of the Supplementary Act, shall adopt all measures necessary for its effective incorporation into the national legal system by appropriate normative vehicles. It

requires integrating all legal provisions of the Community act into national law as well as repealing and amending all provisions where appropriate to ensure optimal coherence between transposed provisions and existing domestic law. Transposition may thus be completed partly by law and partly by regulation (Decree or Order).

The consultant will perform the following tasks in close collaboration with the international expert (cf. JD HIPSSA/WA-1/LR/INT):

1. Work at home (10 days for the transposition and 5 days for the preparation of training materials)

- 1.1. Assess the current national legal framework for telecommunications and ICT of Liberia and identify laws and other legal texts which do not conform with Community acts and with the objectives of national policy or strategy for the development of telecommunications and ICT in Liberia such as the National Information and Communication Infrastructure (NICI) plan that may have been developed with the support of UNECA.
- 1.2. The consultant will prepare in this regard a legal impact assessment including a presentation of the objectives of the acts, a table comparing the Community acts and national regulation and a short note of comparative law. This document shall also identify difficulties that might arise from the transposition of the provisions of relevant community acts into national law;
- 1.3. Contribute to the development of a national implementation strategy for the transposition of ECOWAS Supplementary Acts and into national law by providing in particular the dates of important governmental and parliamentary schedules in the timing implementation.
- 1.4. Ensure compliance with other parts of national law (private law, competition law, criminal law, administrative law, etc.) of amendments to the legal framework and regulatory body's statuses when incorporating additional provisions of the ECOWAS Supplementary Acts as proposed by the international consultant and send a notice of compliance to the international consultant before transmission of the proposed update of national legislation and regulations to National Technical Committee (NTCT).
- 1.5. During the three weeks preceding the validation and adoption workshop, the national consultant and its international counterpart will remain at the disposal of the NTCT members to answer their questions. Where deemed appropriate, the ITU will organize one or more conference calls;
- 1.6. Prepare training materials on regulatory subjects selected in consultation with the ITU-EC project team and the NTCT among those covered by the updated legal framework regulatory body's statuses, licenses and authorizations, universal access and service, management of scarce resources such as frequencies and numbering, interconnection, and cyber security by taking into account the material made available by the ITU (reference material issued by ITU-D RME, CYB and HCB units, "ICT Regulation Toolkit", training material from the ITU-EC project in West Africa, etc.);
- 1.7. Present and discuss with ITU the evaluation mission report, the legal impact assessment, the notice of compliance related to amendments to the existing legal framework and the regulator's statuses, training materials, draft final report and incorporate comments and recommendations;
- 1.8. Monitor and inform the ITU and ECOWAS regarding progression of the transposition process until completion;
- 1.10. Perform any other duties required by the mission and approved by the ITU-EC project team.

2. Work in Monrovia (3 days mission and then 2 days for adoption and 5 days of training)

- 2.1. During a first assessment mission to the field, meet the national Authorities of Liberia including but not limited to the NTCT members among them the representatives of the Ministry responsible for telecommunications and ICT, of the national regulatory body for telecommunications and ICT, telecommunications operators and electronic communications services providers, judiciary and parliamentary assemblies as well as civil society along with the international expert (see JD HIPSSA/WA-1/LR/INT);
- 2.2. Validate during this initial evaluation, the preliminary analysis of the national legal framework for telecommunications and ICT of Liberia on the basis of the legal impact assessment advising national authorities on choices to be made when necessary.
- 2.3. Present and discuss with the national Authorities the compliance of draft laws and regulations with other parts of national law (private law, competition law, criminal law, administrative law, etc..) during the validation and adoption workshop and adapting the notice of compliance taking into account the suggestions that can improve and accelerate the implementation of the ECOWAS Supplementary Acts in Liberia;
- 2.4. Run in collaboration with the international expert a training workshop for the personnel of agencies and organizations represented within the NTCT but also for representatives of the private sector involved with telecommunications and ICT regulation and of the civil society involved in the development of the telecommunications and ICT sector on subjects selected among those covered by the updated legal framework.

Concrete deliverables

1. Mission report including the assessment of the national legal framework for telecommunications and ICT and the summaries of field interviews;
2. Legal impact assessment including a presentation of the acts' principles and objectives, a table comparing the Community and national provisions, a short note of comparative law, a list of problems that might arise from the transposition into national law the provisions of Community acts. In case some of these provisions call for adjustments in other parts of the national law, they will be explained, justified and accompanied by recommendations.
3. A notice of compliance identifying new provisions as well as those included in the update of the legal framework for telecommunications and ICT, and their interactions and compliance with other parts of national law.
4. Training materials including a reference document, a slides' presentation, one or more case studies on basis of real life documents and a multiple choice questionnaire covering at least two of the following subjects, which aren't dealt by the international consultant: regulatory body's statuses, licenses and authorizations, universal access and service, management of scarce resources such as frequencies and numbering, interconnection and cybersecurity;
5. Lists of participants in validation workshops and training;
6. Final report containing the laws and regulations as amended, repealed and created which were adopted by the NTCT;

These deliverables must be submitted in English in the HIPSSA template provided by the project team in electronic and paper form.

(Note: The copyright for all documents produced under the project shall be vested with ITU and the Government of Liberia)

Qualifications and experience

1. Advanced university degree (4 to 5 years after secondary education) in law (PhD preferred) with extensive knowledge of telecommunications and ICT industry and related regulatory issues in particular in West Africa and the ECOWAS Community Acts on telecommunications and ICT.
2. At least 10 years of progressively responsible experience in the areas mentioned above preferably with recognized academic or professional work on at least one of the following regulatory issues: regulatory body's statuses, licenses and authorizations, universal access and service, management of scarce resources such as frequencies and numbering, interconnection and cyber security.

Languages

Excellent command of English. Outstanding written communications skills.

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