

TERMS OF REFERENCE

Feasibility Study on the Establishment of a Regional Regulatory Forum for the Information and Communication Technologies (ICT Sector) of IGAD Member States

Project: Eastern Africa Regional Digital Integration Project

Contract type: Consultancy Services (firm or consortium)

Estimated Duration: 20 weeks

Location: Remote with field missions as needed.

A. BACKGROUND

Eastern Africa Regional Digital Integration Project

The Eastern Africa Regional Digital Integration Project (EARDIP), financed by the World Bank, aims to promote the expansion of an integrated digital market across Eastern Africa by increasing cross-border broadband connectivity, data flows and digital trade in the region. The Phase I development objective of the SOP is to advance digital market integration in the Eastern Africa region by increasing affordable access to regional broadband connectivity and strengthening the enabling environment for cross-border digital services.

EARDIP supporting two RECs, namely Eastern Africa Community (EAC) and Intergovernmental Authority on Development (IGAD) to be conduits of digital integration in the Eastern Africa region including the Horn of Africa region.

The Project under IGAD is structured in four components:

Component 1: Connectivity Market Development and Integration

Sub-component 1.3: Enabling legal, regulatory, and institutional ICT environment.

The aim of this sub-component is to support the harmonization of cross-border telecommunication infrastructure and services in the EAC and IGAD member states, the project will finance a set of legal, regulatory, and technical assistance activities and capacity building programs.

Component 2: Data Market Development and Integration

Sub-component 2.1: Cybersecurity frameworks, infrastructure, and capacity

This subcomponent aims to strengthen and harmonize cybersecurity frameworks across the IGAD member states to enhance the security of the cross-border data flows. It will comprise financing for legal and technical assistance as well as capacity building for managing cybersecurity risks, conducting awareness campaigns about cyber security at the regional level, and acquiring services and equipment for the creation of a regional incident response, information sharing, and cybersecurity coordination platform.

Sub-component 2.2: Data exchange, governance and protection

This sub-component would focus on safeguarding personal data, promoting trust and enabling cross-border data flows. Activities under this subcomponent will focus on enhancing the regional

enabling environment and institutions required to integrate the data market through the harmonization of data protection regulation.

Component 3: Online Market Development and integration

Sub-component 3.1: Digital cross-border trade, payment and service enablers.

To promote trade in services and e-commerce across the region, this subcomponent would support the development of such a strategy for IGAD, preparing the ground for AfCFTA's E-Commerce protocol negotiations. The activities under this sub-component will support the establishment of region-wide rules on online markets by promoting the harmonization of laws and regulations in a series of policy areas essential to digital markets integration. Policy areas covered by this subcomponent will focus on enabling remote transactions, such as the regulatory framework for e-signature, online intermediaries and interoperability of payments.

Component 4: Project Management and Implementation Support

This component will finance technical assistance and capacity support for project implementation and the cost of setting up and operating costs of the Project Implementation Unit (PIU) within the Division of Economic Cooperation and Regional Integration of IGAD.

EARDIP builds on IGAD's Regional Infrastructure Master Plan (IRIMP, 2017-2021), supported by the African Development Bank. The main goal of the IGAD Regional Infrastructure Master Plan (IRIMP), the ICT sector is to develop smart and integrated ICT infrastructure. The main specific objectives are to develop harmonized policy and regulatory frameworks; promote the development of ICT services and e-applications, fast track the development of physical infrastructure, create safe cyber space, build capacity of the human resources and the related institutions.

In general, the situational analysis of the ICT sector in the region revealed that the sector is facing many challenges: (i) Access: lack of coherent, harmonized and holistic policies/strategies and action plans which impede infrastructure development as well as conducive legal and regulatory framework, (ii) Affordability: unaffordable access costs particularly for the poor living in rural areas, hence the increase of digital divide; (iii) Digital skills/literacy: poor digital training offers, lack of required equipment, etc.; (iv) Content relevancy: inadequacy of the offered content in relation to the needs of end users; and (v) Online safety: increased risks in terms of cybersecurity and lack of data and consumer protection frameworks and laws.

This particular feasibility study will be implemented under component one of the EARDIP project. IGAD in collaboration and support from the World Bank is intending to hire a consultancy firm to undertake this feasibility study and support the decision makers with a way forward on establishing a regional for ICT regulators, including the assessment of different models, recommendations on guiding principles and roadmap for implementation.

B. OBJECTIVE

IGAD is inviting qualified firms to conduct a feasibility study to look into the intricacies of establishing a regional forum for Regulators for the Information and Communication Technologies (ICT) Sector in the Horn of Africa region. The study is expected to depend on drawing lessons from the success of similar initiatives, including the East African Communications Organization (EACO), West Africa Telecommunications Regulators Assembly (WARTA) and ensuring a tailored approach to the unique challenges and opportunities within the region.

The scope of services, consulting team profiles, reporting requirements, and other particulars of the assignment are detailed below.

C. SCOPE OF WORK

The consulting firm (“Consultant”) will utilize a phased approach, drawing from regional and international models and good practices. More specifically, the Consultant is expected to carry out the following tasks:

Task 1: Planning the assignment

- Develop a detailed plan to conduct the assignment including the proposed approach and methodology based on relevant good practices.
- Elaborate on requirements for data collection process including stakeholder engagement, data/document requests etc.
- Develop a consultation methodology. Clearly specify how this methodology will encompass a diverse range of stakeholders and topics, enabling a nuanced approach to adopting global best practices within the region and beyond. The methodology should proactively include various stakeholders, including civil society representatives at multiple phases, to ensure the creation of inclusive and multifaceted analysis and recommendations.

Task 2: Conduct a feasibility study to look into different models and the the viability of establishing a regional forum for regulators of the ICT sector of IGAD Member States

- Undertake a comparative examination of ICT regulatory fora with specific examples of good practices from around the globe and emphasis on the continental context. Focus will be to examine different models of regulatory associations (at least three models) to bring ICT regulators together and make recommendations for an appropriate model for the region based on the specific context.
- Provide recommendations on the appropriate model for the regional regulatory forum. Identify potential steps on how to justify or not to accept its establishment taking into consideration the challenges and opportunities existing in the region.
- Conduct consultations with IGAD and its member states to supplement any desk research, solicit feedback on the ICT regulatory association models and confirm scope of the mandate of the proposed forum.
- Conduct a comprehensive analysis of the status of the ICT sector in the IGAD region to inform priority areas of focus for the proposed regional forum. This involves an examination of relevant models, regulations, governance, policies, and guidelines pertaining to the issue of regulation in the ICT sector among the Horn of Africa countries (IGAD Member States). Systematically identify and assess key gaps, weaknesses, and areas of improvement present in the current ICT regulatory frameworks of IGAD Member States. This includes an in-depth analysis of their implementation status, inconsistencies, and inadequacies that may hinder the effectiveness of the regulatory environment landscape in the region.

Task 3: Formulation of Actionable Recommendations

- Based on the findings from the feasibility study, develop a set of actionable and context-specific recommendations for both IGAD and its Member States to establish an ICT regulatory forum. Recommendations on the model should cover its setup and governance, its operational and financing model.
- These recommendations should draw on both regional and international good practices in regulatory environment. They should address based on the analysis, the overall and specific objectives of the study.
- align with recognized international best practices.

Task 4 Engage with relevant stakeholders as needed and facilitate a workshop to present the deliverables.

- Facilitate ongoing engagement with relevant stakeholders, including ICT regulators, government agencies, legal experts, ICT professionals, and other entities involved in the development and implementation of regulatory frameworks to validate findings and recommendations. This may include conducting consultations, workshops, and roundtable discussions to gather diverse perspectives and ensure inclusivity in the expected decision on the regional regulatory association.
- Where possible, involve stakeholders in the decision-making process and collaboration in decision-making increases ownership and commitment.
- Organize and conduct a workshop to present the final deliverables, including the comprehensive report, identified gaps, actionable recommendations, and any other relevant documentation. The workshop should provide an opportunity for interactive discussions, clarification and validation of recommendations, and feedback from stakeholders.

D. EXPECTED DELIVERABLES & SCHEDULE OF COMPLETION

The Consultant is expected to complete the assignment in full within 20 weeks, and to submit the following deliverables, based on the indicative timelines and payment schedule detailed below:

S/No	Milestone/deliverable	Timeline	Indicative payment schedule
D1.	Inception report, as per Task 1	Within 1 week of contract signing.	10%
D2.	Feasibility study, as per Task 2	Within 10 weeks	50%
D3.	Set of recommendations for IGAD and Set of recommendations for IGAD members, as per Task 3	Within 14 weeks	40%
D4.	Workshop to present the deliverables, as per Task 4	Within 16 weeks	
D5.	Final report	Within 20 weeks	
D6.	Short status update reports every 3 weeks	Every 3 weeks	

E. CONTRACTING, REPORTING AND VALIDATION PROCEEDURE

The Consultant will be contracted by IGAD, responsible for payment and approval of deliverables. All deliverables should be submitted to the IGAD Coordinator. Written deliverables should be submitted electronically in PDF and editable Word format efficient collaboration, comments, and edits with team members and reviewers.

The Consultant will collaborate on a day-to-day basis with the assigned IGAD Specialists, who may vary over time, and with as well as with assignment focal points at the WB.

F. CLIENT'S RESPONSIBILITIES

IGAD, IGAD Member States, and WB shall, to the best of their ability, provide the following:

- Background data and literature not readily available but considered relevant for accomplishing or informing the assignment and completing identified tasks at their immediate disposal.
- Access to key officials within the relevant Regulators/Ministries/Agencies/departments and other relevant official entities, as applicable.
- Cooperation with organizations, whose activities and programs are deemed relevant to the assignment and require an effort beyond what is reasonably attainable by the consultant.

G. LOCATION

Remote with field missions required.

H. KNOWLEDGE TRANSFER

Knowledge transfer is an integral part of this assignment and should be integrated into the consultant's methodology and technical proposal, assuring that the beneficiaries gain the capability to leverage and mobilize key elements of the assignment. For this purpose, the recommendations and analysis should be characterized by specificity, precision, and accompanied by concrete examples and an actionable, programmatic, and comprehensive roadmap to ensure practicality.

I. STAKEHOLDER CONSULTATION

As part of the project deliverables, the consultant will develop a consultation methodology that should be clearly specified to encompass a diverse range of stakeholders and topics. This methodology is essential for enabling a nuanced approach to adapting global good practices within the region. It should proactively include various stakeholders, including civil society representatives at multiple phases, ensuring the creation of an inclusive and multifaceted analysis and recommendations.

An emphasis will be placed on the necessity of conducting simultaneous consultations involving multiple stakeholders. Additionally, it is advisable to conduct consultations, workshops, or a combination thereof before each deliverable and sub-deliverable. This approach ensures comprehensive representation and alignment with project goals.

The overarching goal is to facilitate a more comprehensive understanding of the ecosystem and the dynamics among various stakeholders. The outcomes shall be documented and shared with IGAD and WB.

J. REQUIRED EXPERIENCE: FIRM & CORE TEAM

The **firm** selected will need to demonstrate:

- Extensive experience in the global legal aspects of telecommunication policy and regulatory reforms with experience advising on the establishment and strengthening of a national/regional ICT regulator.
- A demonstrated track record of successfully completing similar assignments, with a focus on relevance and recent experience. This includes legal reviews, the development of legal frameworks, and formulating actionable recommendations to enhance regulatory coordination based on recognized standards.
- Comprehensive knowledge of international and regional best practices of different regulatory association models, and prior experience working on the organizational aspects and mandates of existing similar regulatory associations/commissions.
- Knowledge of and practical experience with local and Regional legal systems and regulatory frameworks.
- Prior experience of working closely with public sector especially in the ICT development
- Demonstrated familiarity with the Horn of Africa context.

The team composition is flexible, with a minimum requirement of at least one team leader and one team member. The firm may include additional team members as necessary to ensure the timely, accurate, and complete completion of the assignment, as per project requirements.

The consulting firm is required to provide a staffing plan as part of the proposal, which should include the names, roles, and CVs for the project team. Additionally, the team must identify the estimated number of days dedicated by each member to the project, specifying the periods and the tasks or responsibilities for which these days are allocated.

Team Leader or Equivalent: Minimum 10 years of experience in ICT regulatory frameworks, with a proven track record of leading multiple similar assignments in the last three years and a Master's degree in telecommunication policy, regulatory reforms with experience in establishing or working at a national/regional regulator. Prior experience of leading at least two similar assignments.

Telecommunication Expert: Minimum 7 years of experience in ICT, telecommunication policy or related disciplines. Proof evidence of expertise in regional and international best practices on ICT, regulatory reforms and supported at least three similar assignments. Experience working in the region would be an advantage.

Organizational management expert: Minimum 7 years of experience in designing and managing the organization structure of regulatory associations, familiarity with the operational and legal aspects of creating regulatory associations.

Firms will undergo a holistic evaluation, with a focus on team composition that maximizes the timely, accurate, and complete completion of the assignment, aligning with project requirements.