

TERMS OF REFERENCE FOR TECHNICAL ASSISTANCE

[COUNTRY] Revision of Telecommunications Law

Introduction

1. In preparation for future liberalization privatization of the incumbent telecommunications operator, [IFI], through the use of a consultant, will assist the Ministry of Communications in revising the Telecommunications Law of [COUNTRY]. The task will be undertaken by suitable legal advisers who will work in close co-operation with [COUNTRY] legal advisers, Ministry officials and other as appropriate, to prepare a comprehensive draft Telecommunications law, based on present policies as expressed through existing draft law texts and the present policy of the newly elected government of [COUNTRY].

Objectives

2. The explicit objectives of the assignment are:
- (a) an expression of the present telecommunications Sector Policy;
 - (b) a draft law text meeting the approval of the present government of [COUNTRY], with sufficient legal flexibility to allow the sector developments contemplated for the next ___ years; and
 - (c) assistance to the Government to facilitate the passage of the law through Parliament.

Scope of Work

3. The work to be performed shall include, but not be limited to:
- (a) Analysis of the present policy, if expressed in a direct form, or alternatively the collection of policy opinions of the present Government with regards to central telecommunications sector issues that will need to be addressed in the telecommunications law.
 - (b) Seeking political sanction of these policy issues, so as to enable these policy issues to be addressed in the draft telecommunications law in a form that will meet ministerial and Government approval.
 - (c) Scrutiny of the existing general legislation and provisions in this existing legislation that may impinge on telecommunications legislation.

Terms of Reference – Telecommunications Technical Assistance

- (d) Based upon the sanctioned policy of the present Government, existing legislation and the existing drafted law texts as appropriate, produce a final draft for approval by the Government and, thereafter, promoting subsequent parliamentary discussions, debates and eventual approval by:
- (i) making recommendations as to whether legislative provisions should be added or deleted, including preparation of draft language;
 - (ii) identifying practical steps to be taken to ensure that implementation of the draft legislation;
 - (iii) assessing the extent to which the draft legislation provides an adequate legal framework to allow for private sector involvement in the telecommunications sector through a strategic investor;
 - (iv) drawing up a list of further legal issues that will need to be addressed in the privatization process;
 - (v) running a one-day workshop for senior Government officials, and possibly Parliamentarians, to explain the proposed legislation and specific factors of that legislation which are designed to:
 - provide a conducive and stable legal environment to a strategic investor; and
 - safeguard the public interest; and
 - (vi) being available during the assignment to advise [COUNTRY] Government officials on an ad-hoc basis to ensure successful adoption of the necessary legislation (up to a maximum of four days).

Execution of the Work

4. The consultants shall work in [LOCATION] directly with the Ministry, and any telecommunications operator or agency the ministry may appoint as appropriate. In seeking to attain the objectives stated, they shall carry out the work as specified under the scope of work and any additional work they deem necessary to meet the objectives, and ensure that knowledge of the process and methodology of the work are, whenever possible, transferred to suitable representatives of the Ministry.

5. The consultants shall provide a detailed plan of work, including milestones and reviews required by the ministry and [IFI] for progress monitoring. The field work shall be completed within 3 calendar months from commencement of the work - follow on may be necessary.

Terms of Reference – Telecommunications Technical Assistance

6. Local specialists and advisers shall be hired by the consultants (subject to prior approval by the Bank of such advisors and specialists) to provide the required knowledge of local law and conditions.

Deliverables

7. The deliverables shall be:
- (a) An Expression of the Telecommunications Sector Policy
 - (b) Draft Telecommunications Law
 - (c) Final revised draft of the Telecommunications Law prepared for parliamentary approval.

Reporting Requirements

8. Reports shall be provided to the Bank in English and to the Ministry in [LANGUAGE] [] weeks after commencement of the field work, containing the revised project plan and any specific observations concerning matters which may affect successful completion of the project.

Final Report

9. Final Reports shall be provided to the Ministry (three copies in [LANGUAGE] and two in English) and [IFI] (two copies in English), not later than [] weeks after completing the filed work. This shall contain a summary of work done, results obtained and any outstanding matters or additional work required to satisfy the objectives.

Estimated Schedule and Milestones

10. The deliverables shall be produced over a period of a maximum of [] months including the ministerial approval process, but excluding any required parliamentary approval required.

11. The entire work shall be completed within 6 months of the commencement of the work including [] months for follow-up work to the parliamentary approval process.

Counterpart Contributions

12. The Ministry will provide at least the following contributions:
- (a) experienced and qualified counterparts in major field of the project activities, including legal, technical and financial experts;

THIS DOCUMENT HAS BEEN PREPARED FOR THE PURPOSES OF THE
PPP IN INFRASTRUCTURE RESOURCE CENTER FOR CONTRACTS, LAWS AND REGULATIONS.
IT IS FOR GENERAL GUIDANCE PURPOSES ONLY AND SHOULD NOT BE USED AS A SUBSTITUTE
FOR SPECIFIC LEGAL ADVICE FOR A PROJECT.

Terms of Reference – Telecommunications Technical Assistance

- (b) access to key officials within the relevant Ministries and other relevant official entities, including operator companies as applicable;
 - (c) access to information within the context of work;
 - (d) office space and facilities for the consultant and the local counterparts. (Note that the Consultant will be expected to provide their own computing and translation facilities);
 - (e) free access to telecommunications services; and
 - (f) other logistical support.
13. The Ministry will supervise the performance of the work and will give guidance and advice to the consultants, particularly with respect to the governmental and parliamentary approval processes.
14. The work must clearly be compatible with general local Laws and general local legislation that may influence the Telecommunications and Informatics Sector.