



Republic of Ghana

Ministry of Communications and Digitalisation

(MOCDD)

Ghana Digital Acceleration Project (GDAP)

IDA70960 -GH (P176126)

Terms of Reference

for

RECRUITMENT OF ICT LEGAL SPECIALIST FOR GDAP

September 2024

1. Background

The Ghana Digital Acceleration Project (GDAP) activities seek to support a strong enabling environment for fast-tracked digitization by accelerating country-wide digital transformation, focusing on critical digital enablers that promote the digital economy and build on existing digital foundations. The project aims to accelerate country-wide digital transformation, focusing on critical digital enablers that promote the digital economy and build on existing digital foundations. Complementary investments on the supply and demand sides of the digital economy will also be supported. Based on recommendations of previous assessments, including the Ghana Digital Economy Diagnostic, the project activities seek to support a strong enabling environment for fast tracked digitalization. The project will promote a shift in digital public services from service to life-event focused approach to enhance the Government's digital capabilities. The project will further increase Ghana's capacity to promote digital innovation and sector-wide digital transformation in selected strategic sector(s). Finally, the project will boost digital skills development and capability to increase Ghana's digital talent base.

The project is an Investment Project Financing (IPF) operation comprising of five components. Component 1 will use a result-based approach, with part of the financing linked to Performance Based Conditions (PBCs). Components 2 and 3 will be a traditional IPF. Component 4 is reserved for project management and implementation support, while Component 5 is a contingency emergency allocation aimed at mobilizing unallocated funds from the project to rapidly respond to emergency situations.

Both the project design and implementation plan have accounted for COVID-19's impact on the economy. For interventions on digital skills, distance learning will be adopted as a delivery mechanism.

Component 1: Ensuring Inclusive and Safe Digital Transformation

This component will support the GoG in improving the strategic, policy, and regulatory environment for the acceleration of a vibrant, safe, and inclusive digital transformation. Specifically, it aims to establish an enabling environment for the development of a vibrant broadband market, expand the reach and coverage of broadband networks in rural areas, ensure safe and resilient digital services, and strengthen the digital sector's institutional structure and capacity.

Component 2. Modernizing Digital Government Services

This component is focused on the public sector side of digital transformation and aims at supporting Ghana to establish an agile and citizen-centric digital government model. It supports developing adequate institutional setup reinforced by a strong governance framework and change management, essential for implementing the next generation government infrastructure and delivering transactional and digital by design public services. Accelerating Ghana's digital transformation agenda requires a realignment to support the transition towards sustainable and user-centric e-government.

Component 3. Support for Digital Transformation of Strategic Sectors

This component is focused on the private sector side of digital transformation and aims to boost the digital innovation ecosystem by (i) removing the key barriers that tech start-ups, digital entrepreneurs, and Business Process Outsourcing (BPO) firms in the ICT sector face and (ii) unlock the digital transformation in selected productive sector (such as agriculture) through the relevant government entities and digital accelerators. Each subcomponent aims to provide end-to-end support to set up a proof-of-concept of how other sectors can also leverage and reap the full benefit of digital solutions to drive more robust and inclusive sector growth and diversified economy.

Component 4. Project Management and Implementation Support

This component will provide support for the management and implementation of project associated activities. It will finance activities related for recruitment of consultants in areas of project management, project coordination, fiduciary specialists (e.g., procurement, financial management), Monitoring and Evaluation (M&E), an Environment and Social Safeguards (E&S), project communication, and citizen engagement. This component will also cover modest office equipment and independent audits and learning/training for key beneficiaries (e.g., the Project Implementation Unit and the Technical Committee) up to the official closing date of the project. Moreover, Special attention will be devoted to promoting equal participation of women in all decision-making bodies under the project and contributing to tackling barriers in recruitment, retention, and promotion. It is also anticipated consultant's Terms of References (ToR) clearly stipulate knowledge transfer and hands on training to ministry staff.

Component 5: Contingent Emergency Response Component

In the context of the COVID-19 crisis, a Contingent Emergency Response Component (CERC) is added to the project structure to provide support to the Government to swiftly respond to an eligible crisis, including climate or natural disasters and public health emergencies. Including CERC at the preparation stage, albeit with zero funding, provides for flexibility for an agile response to an imminent or actual emergency (such as COVID-19) through quick disbursement of uncommitted balances from other components. The crisis response expenditures could cover, for instance, the facilitation of emergency payments to vulnerable groups of population using mobile money or ensuring business continuity of core government functions, when civil servants are required to continue home-based work. The CERC is not expected to finance civil engineering works that can induce risks and/or negative environmental and social impacts. However, CERT component is not added to finance any activities that include adverse environmental and social risks and impacts.

The project aims to actively close gender gaps between women and men across various pillars of digital development and aligned with International Development Association-19 (IDA-19) theme, the WBG's 2016–2023 Gender Strategy and the Digital Development Gender Strategy. Actions designed to close gender gaps between women and men in the digital economy are incorporated across various components of the project.

2. Objectives

The objective of engaging an ICT Legal Specialist is to assist the GDAP PCU Team and the MoCDD in developing and reviewing activities related to relevant legal and regulatory framework to increase the competitiveness of Ghana's e-economy in line with global best practice.

3 Scope of Services

Main Task

The ICT Legal Specialist must be abreast with current legal/regulatory environment pertaining to the Information and Communications Technology Sector. The Legal Specialist will advise the Ministry of Communications and Digitalisation (MoCD) and the Government of Ghana on implementation and development of the legal/regulatory framework activities pertaining to the ICT industry in Ghana under the GDAP Ghana project. The GDAP Ghana project focuses on employing ICT-based interventions, and prudent and efficient use of government resources, to advance shared and accelerated development in priority areas of Ghana's development. The role of the legal specialist includes supporting MoCD to ensure and facilitate the implementation and or modification of existing laws as well as preparation and adoption of new laws as envisaged under GDAP project that promote the following objectives in line with global best practices:

- An enabling environment for electronic government and business;
- The foundational systems for electronic identification to promote electronic service delivery and social inclusion; and
- The scaling up of ICT applications and services to improve services in priority sectors in Ghana.

Essential Duties and Responsibilities

- Assist in supervising international legal experts retained under GDAP, including experts working on the legal and regulatory framework for the legal enabling environment for eGovernment and business.
- Support and or facilitate the implementation and further development of activities related to the legal and regulatory framework as envisaged under GDAP.
- Support the following on-going projects under GDAP by facilitating the review and development of the appropriate legal framework for the successful implementation.
- Monitor and advise on the continuous implementation of the existing laws as well as the subsidiary regulations, amendments, etc. that may be needed as envisaged under GDAP project.
- Provide advice on legal issues related to emerging technologies and the application of such technologies in national development as envisaged under the GDAP project.
- Support and provide legal advice on negotiations and draft agreements in consultation with the Ministry of Attorney General and Justice as envisaged under the GDAP.
- Support the MoCD and the PCU Team on general legal and regulatory advisory issues.
- Act as the Legal Desk Officer for the Ministry of Communications for activities related to GDAP.

- Perform such other tasks that will be assigned from time to time under GDAP..

4 Reporting and Time Schedules

The ICT Legal Specialist will report to the Chief Director of Ministry of Communications through the GDAP Project Coordinator.

The deliverables will include the following:

	<u>Deliverable</u>	<u>Timing</u>
1	Submission of Quarterly Reports on benchmarking Ghana's ICT laws with those of other African countries and providing suggestions for improvement.	Quarterly Reports
2	Submission of Quarterly Reports on the legal and regulatory frameworks of ICT	Quarterly Reports
3	Review and finalization of all ICT-related laws and submit quarterly reports of progress in the legislative process.	Quarterly Reports
4	Provide reports on the impact of enabling laws in the development and deployment of efficient and effective digitalization and related electronic service delivery.	Quarterly Reports

The initial duration of assignment will cover a period of one year in the first instance renewable for additional one-year terms subject to successful appraisal of performance at the end of each term.

5 Qualification and Experience Requirements

a. Academic Qualifications

- Bachelor's degree in Law
- Post Graduate Qualification in Law, preferably in ICT/Telecommunication Law or similar.
- Qualified to practice as a lawyer in Ghana and in good standing pursuant to the requirements of the Legal Profession Act 1960 (as amended).

b. Experience, Knowledge, Skills, and Abilities Requirements

The following are essential:

- Minimum 8 years of post qualification legal experience, which shall include at least 2 years (within the past 5 years) of experience relevant to the essential duties and responsibilities of this assignment.
- Excellent written and oral English.

In addition, the following is desired:

- Practical experience in legislative drafting practices, Parliamentary processes and Constitutional Law in Ghana
- Knowledge/experience in drafting legal instruments (including bills, regulations etc.) and conducting multi-party stakeholder consultations
- Ability to work effectively with policy specialists and government officials.
- Professional experience in supporting the execution of large legal reform related initiatives
- Practical experience instructing and supervising external legal experts.

6 Data, Facilities and Personnel to be provided by the Client

MoCD will provide relevant tools and suitable office space for this role. The MoCD will furnish copies of project implementation documentation and other information relevant to the assignment.