

# **TERMS OF REFERENCE**

## **LEGAL ADVISOR**

### **Background**

The National Communications Authority (NCA) is the regulatory body for the communications sector in Somalia. The NCA was established through the Communications Act of 2017, and its mandate is to regulate the Communications sector, including telecommunications, Internet, broadcasting, Information and Communications Technology, and e-commerce services. The NCA is responsible for facilitating the development of the ICT sector, enabling and ensuring fair and sustainable competition, carrier interconnection, transparency in implementing the Communication Law, protecting consumer interests and rights, and maintaining its role as an independent regulator.

As the telecommunications and ICT sectors in Somalia continue to evolve rapidly, the NCA requires legal consultancy services to support its regulatory functions and provide expert legal advice on various legal matters related to the telecommunications and ICT sectors. The legal advisor will play a crucial role in assisting the NCA in formulating and implementing regulatory frameworks, policies, and guidelines, as well as providing legal research, analysis, and training to enhance the capacity of the NCA staff in dealing with emerging legal issues in the telecommunications and ICT sectors.

Given the dynamic and complex nature of the telecommunications and ICT sectors, the NCA seeks a qualified and experienced legal advisor with a proven track record in providing legal services in the telecommunications and ICT sectors to ensure that its regulatory functions are carried out effectively and in compliance with the relevant laws and regulations in Somalia. The legal advisor will be expected to work closely with the NCA.

### **Objective**

The main objectives of engaging the legal advisor are:

- To provide comprehensive legal advice and support to the NCA on Somalia's telecommunications and ICT regulations and laws.
- To assist the NCA in developing, reviewing, and interpreting regulatory frameworks, policies, and guidelines related to the telecommunications and ICT sectors.
- To support the NCA in drafting, negotiating, and reviewing contracts, agreements, and legal documents related to the telecommunications and ICT sectors.
- To provide legal advice to the NCA in dispute resolution processes related to the telecommunications and ICT sectors, including litigation, arbitration, and mediation.
- To conduct legal research and analysis on emerging legal issues and trends in the telecommunications and ICT sectors and provide timely updates to the NCA.
- To conduct legal training and capacity-building programs for the NCA staff on relevant legal topics related to the telecommunications and ICT sectors.
- Review the National Communications Law and provide interpretations based on the Laws.
- To collaborate with federal and state-level government agencies to ensure alignment of regulatory frameworks, policies, and legal reforms with telecommunications and ICT sector objectives.

## **Scope of Work**

Under the supervision of NCA, the consultant will provide technical assistance for the following activities:

- Legal advice and support: The consultant shall provide timely and expert legal advice and support to the NCA on a wide range of legal matters related to the communications and technology sectors, including but not limited to licensing, regulatory compliance, competition, data protection, cybersecurity, and consumer protection.
- Legal drafting and review: The consultant shall assist the NCA in drafting, negotiating, and reviewing contracts, agreements, and legal documents related to the communications and technology sectors, including license agreements, interconnection agreements, service level agreements, and memoranda of understanding.
- Regulatory framework and policy review: The consultant shall assist the NCA in the development, review, and interpretation of regulatory frameworks, policies, and guidelines related to the communications and technology sectors. This may include conducting legal analysis and recommending proposed regulations, policies, and guidelines.
- Legal research and analysis: The consultant shall conduct legal research and analysis on emerging legal issues and trends in the communications and technology sectors and provide timely updates to the NCA. This may include preparing legal briefs, memos, and reports on relevant telecommunications and ICT-related legal topics.
- Legal training and capacity building: The consultant shall conduct legal training and capacity building programs for the NCA staff on relevant legal topics related to the communications and technology sectors. This may include organizing workshops, seminars, and training sessions on legal issues and best practices in the telecommunications and ICT sectors.
- Draft NCA resolutions and decisions based on management guidelines.
- Guide the interpretation of the National Communications law and regulations.
- Assist the National Communication Authority in the drafting of regulations and guidelines;
- Provide translation for all legal and regulatory documents issued by NCA.
- Provide advice and assistance in the enforcement of laws and regulations;
- Provide advice and assistance in the negotiation/withdrawal of contracts;
- Provide advice and assistance in the formulation of a regulatory framework for the emerging issues in the telecommunication sector.
- The consultant shall utilize its expertise in governmental affairs and public law, particularly in Somalia and other similar contexts, to advise the NCA on regulatory reforms and legislative developments. This includes analyzing draft legislations or existing laws and providing insights into their implications and ramifications for the telecommunications and ICT sectors.
- Legislative drafting: The consultant shall leverage his/her experienced legislative drafters to assist the NCA in preparing legislations on various issues relevant to the communications and technology sectors.

## **Deliverables**

The legal advisor will be expected to provide the following deliverables:

- Expert advice and assistance in developing, reviewing, and enhancing regulatory frameworks, policies, and guidelines related to Somalia's telecommunications and ICT sectors.
- Drafting and reviewing regulations, policies, and guidelines to ensure compliance with relevant laws and regulations, promoting competition, protecting consumer rights, and fostering innovation and investment in the sector.

- In-depth legal research and analysis on emerging legal issues, trends, and best practices in the communications and technology sectors.
- Provide written briefs, memos, and updates to the NCA on legal matters that impact the regulatory functions of the authority.
- Advise on legal implications of proposed regulatory decisions, interpreting and analyzing legal documents, contracts, and agreements, and providing guidance on legal disputes, litigation, and arbitration related to the communications and technology sectors.
- Develop and deliver legal training and capacity-building programs for the NCA staff to enhance their understanding and expertise in dealing with legal issues in the communications and technology sectors.
- Prepare comprehensive and accurate written reports, documentations, and analysis on legal matters related to the communications and technology sectors.
- Attend meetings to provide legal advice, present findings, prepare presentations, participate in discussions, and give expert inputs in meetings and presentations.
- On-demand advice as requested by the NCA in a timely and efficient manner.
- Provide progress reports, updates, and feedback to the NCA on work status and seeking input and approval as required.
- Prepare the NCA interpretation of laws and regulations to the Somali language.
- Prepare legal documents and reports as required by the NCA.
- Assist in the negotiation/Withdrawal of contracts.
- Provide legal advice and assistance on any other legal matters related to the telecommunication sector.

## **Requirements**

### **Qualifications:**

- Bachelor's degree in law
- Minimum of five years of experience in legal consultancy, including expertise in Somali ICT laws and regulations, and a track record of successful legal consultancy projects,
- A minimum of five years of hands-on experience practicing law within Somalia.

### **Requirements of the consultant**

- The consultant must possess at least five years of professional experience in practicing law within Somalia.
- The consultant should demonstrate a history of successfully executing comparable legal consultancy projects.
- Proficiency in the legal framework of Somalia is essential.
- The legal advisor must exhibit a distinguished track record in governmental affairs, public law, and legislative drafting, tailored explicitly to the Somali context and its unique challenges.

### **Reporting Requirements**

The consultant will work administratively under the General Manager of the NCA and report directly to him. They functionally will be working with other directors and advisors of the NCA.