

**Federal Government of Somalia**

**Ministry of Energy and Water Resources**

**TERMS OF REFERENCE**

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| **Country:** | Federal Government of Somalia |
| **Name of Project:** | Somali Electricity Sector Recovery Project (SESRP) |
| **Project ID:** | P173088 |
| **Assignment Title:** | Legal Advisor |
| **Type of Appointment:** | Individual Consultant |
| **Reference No.:** | SO-MOEWR-437019-CS-INDV |
| **Place of Assignment:** | Mogadishu, Somalia |

1. **Background:**

The Federal Government of Somalia (the Government) has received a grant from The World Bank to implement the Somali Electricity Sector Recovery Project (SESRP). The Project Development Objective is to increase access to lower cost and cleaner electricity supply in the project areas and to reestablish the electricity supply industry.

As part of the re-establishment of the Electricity Supply Industry (ESI) the FGS has recently enacted Electricity Law and established the National Electricity Authority (NEA). The NEA key mandate is to regulate the electricity sector. In this regard, the MoEWR seeks to apply part of the proceeds of the SERP project to recruit a Legal Advisor to support the National Electricity Authority (NEA) undertake legal and regulation activities towards the operationalization and implementation of an effective regulatory framework.

1. **Objective of the Assignment**

To support the MoEWR and NEA in developing an effective Legal, Economic and Financial Regulatory framework to support the sector achieve economic and financial viability in electricity service delivery. This includes but is not limited to:

1. To provide legal guidance on the establishment of effective regulations and guidelines in line with the Electricity Act.
2. Ensure effective legal guidance and representation of the NEA in executing its mandate in the Act.
3. Provide technical expertise and guidance resourcefully to the other departments and operations of the Authority.
4. Ensure an effective legal and regulatory governance and process.
5. Provide oversight for all the affairs of the Authority ensuring efficient meetings, documenting resolutions, and monitoring the execution of agreed actions.
6. **Scope of the Assignment.**

The duties and responsibilities of the Legal Advisor will include, but not be limited, to the following:

* 1. Contribute to policy formulation and regulations and standards.
  2. Draft legal documents in association with other legal officers within NEA and or any other external service providers.
  3. Initiate the development of work plans and budgets for the department.
  4. Review the information and registry policy of NEA as the need arises from time to time.
  5. Monitor licensee operations and work in liaison with other departments to enforce legal compliance of all licensees.
  6. Co-ordinate the work of the Licensing and Projects regarding new applications to ensure legal compliance and fair outcomes.
  7. Review licenses for appropriateness of terms, conditions, and related obligations before issuance.
  8. Maintenance of Registry and Copies of all official Authority documents.
  9. Support the Authority in ensuring effective compliance with the set legal and Regulatory framework.
  10. Identify the need for Policy, Legislation, or Amendments to existing Policies and Legislation and advise the Authority accordingly.
  11. Facilitates Negotiation and Arbitration in Dispute Resolution matters arising from all Regulatory matters.
  12. Mentor and supervise staff in the department to contribute to the fulfillment of the Authority’s Mission.
  13. Data Collection: conduct research on topical issues on Energy Legal and Regulatory issues in the country.
  14. Any other assignment as may be requested by the Authority.

1. **Qualifications and Experience Requirements:**

The Consultant should have the following desired qualifications and experience:

1. At least a Bachelor’s degree in Law with Commercial, Energy, infrastructure fields, or related field with at least 10 years of technical and managerial experience at a large organization in the private or public sector. A master’s degree in a relevant field of Law will be an added advantage.
2. Possession of a legal practicing certificate or a similar qualification recognized in the Somali region. Any other post-graduate training in project management, economics, renewable energy, infrastructure, regulation, and finance shall be an added advantage.
3. Demonstrated experience in a large Utility or Regulatory institution in Sub-Saharan Africa or another similar Emerging Economy.
4. Demonstrated experience in institutional legal representation, project negotiations, policy, and legal drafting.
5. Fluency in both written and Oral English.
6. **Deliverables:**
7. An appropriate legal regulatory framework is in place.
8. An effective process for legal drafting and reviews of all regulations and guidelines
9. Effective representation of NEA in legal issues internally and externally
10. Effective legal compliance framework and an Inventory of Licensee Legal Compliance
11. Maintains a comprehensive regulatory calendar covering key NEA events and processes with stakeholders.
12. A modern and effective registry that ensures the completeness and authenticity of NEA records.
13. Effective record and monitoring of all the Authority’s decisions and resolutions to ensure timely implementation.
14. **Assignment Location:**

The Legal Advisor will be based at the National Electricity Authority Headquarters in Mogadishu and may frequently travel out-field for compliance and consultative visits.

1. **Time frame and Reporting:**

The expected duration of the consultancy is one (1) year, with the possibility of contract extension subject to satisfactory performance and availability of budget. The assignment is expected to commence in November 2024.

The consultant will report to the Director General of the National Electricity Authority (NEA) and work closely with the Ministry of Energy and Water Resources and other stakeholders.

1. **Inputs/facility provided by the Client:**

The client will provide office space with necessary furniture and other facilities such as a printing facility etc. to enable the consultant to perform day-to-day work. The Client shall also provide soft and hard copies of any existing relevant project documents.