



NOTE FOR PROSPECTIVE CONSULTANTS:

- If you are interested in submitting your CV for this assignment, kindly email roberti@finmark.org.za
- See the Scoring Grid (Annex 1) for the desired qualifications, skills and professional experience
- Deadline for CV submission: To be advised on request

SUPPORT TO IMPROVING BUSINESS AND INVESTMENT ENVIRONMENT (SIBE)

Terms of Reference (ToR) for Recruitment of Short-Term Expert (STE)Title of
Assignment:Build capacity of Member States and business officials in
investment promotion and facilitationReference no.:TOR 0294/RA1.2/AWP2020-21Activity Code:NI 0294.1.2.2 "STE inputs"Responsible
SADC SPO:Mario Lironel, SPO Finance and Investment, SIBE Task Manager,
Directorate Finance, Investment and CustomsDate of issue:22 June, 2021

1. Background

1.1 Background SADC	The Southern African Development Community (SADC) was formed in 1980 as the "Southern African Development Co-operation Conference" (SADCC) by nine of the current Member States. On 17 August 1992 in Windhoek, Namibia, the SADCC was transformed into The Southern African Development Community (SADC) with the signing of the SADC Declaration and Treaty. It currently comprises sixteen Member States, with a combined population of approximately 360 million and a gross domestic product (GDP) of more than USD 700 billion (2019).
	The main objectives of SADC are to achieve development, peace and security, and economic growth, to alleviate poverty, enhance the standard and quality of life of the peoples of Southern Africa, and support the socially disadvantaged through regional integration, built on democratic principles and equitable and sustainable development.
	Over the past years, significant changes in the global economy have taken place to persuade the SADC region to change its economic architecture and strategic direction. The desire to survive and participate in the global markets demands high levels of competitiveness.
	Consequently, emphasis is increasingly being placed on private sector led growth and governments of the sub-region continue to seek to establish an appropriate enabling environment to support economic growth and poverty alleviation. It was in this context that the SADC Regional Indicative Strategic Development Plan (RISDP) was revised to take into account the region's revised strategic direction as encapsulated in the various policy documents, such as the SADC Regional

	Industrialization Development Plan, the SADC Infrastructure Development Plan and
	the various Protocols that define regional programs.
	The Revised RISDP (2020-2030), which is the main strategic document for SADC, puts industrialisation and market integration at the forefront of SADC's efforts to achieve the integration agenda. Furthermore, the SADC Industrialization Strategy and Roadmap (2015-2063) and Action Plan which was approved at the same time as the revised RISDP (2020-2030) informs the priorities of the SADC industrialisation agenda.
	Notably, one of the objectives outlined in the Regional Indicative Strategic Development Plan (RISDP) (2020-2030) is to promote the development of sound investment policies in Member States, to improve the investment climate and enhance the levels of intra-SADC and foreign direct investment in the region. This objective is supported by a similar objective aimed at enhancing cooperation in taxation and related matters, including tax information sharing; capacity building for Tax Administrations; and to develop common approaches and policies to the application and treatment of tax incentives and negotiation of tax agreements. This is in recognition that investors, among other things, consider tax regimes in making their investment decisions.
	The RISDP (2020-2030) also highlights enhancement of monetary cooperation to reform the SADC banking system and harmonization of banking regulatory frameworks. Furthermore, development and strengthening of the financial and capital markets is critical to facilitate free movement of capital and mobilization of financial resources for the promotion of growth and development in the region. In addition, the strengthening of financing mechanisms to be more responsive to the needs of SMEs operations remains critical, including the strengthening of financial inclusion regulatory frameworks in support of the Industrialisation Strategy and Roadmap.
	For further information see <u>www.SADC.int</u> .
1.2 Background - SIBE Programme	The Support to Improving Investment and Business Environment (SIBE) Programme is a five-year Programme, implemented by the Finance, Investment and Customs (FIC) Directorate and financed to the tune of €14 million by the EU under the 11th European Development Fund (EDF). The Financing Agreement and the Contribution Agreement were signed in June 2019 and August 2019, respectively. The Programme, which covers all the 16 SADC member states in SADC, is being implemented by the SADC Secretariat over a period of 55 months from the date of signature of the Agreements.
	The overall objective of the Programme is to achieve sustainable and inclusive growth and support job creation through the transformation of the region into a SADC investment zone and promoting intra-regional investment and foreign direct investment (FDI) in the SADC region, in particular for small and medium enterprises (SMEs).
	The specific objective of the SIBE Programme is to develop the region into a SADC investment zone, promoting intra-regional investment and FDI in the SADC region, in particular for SMEs.
	The Programme focuses its support on the following Results Areas (RAs):
	RA1 - An enabling investment policy framework across SADC Member

	States is supported.
	This Result Area covers the following main activities:
	 Set-up a dialogue at regional level on improving investment and business environment in SADC;
	 (ii) Provide ad-hoc support to Member States in developing structured public- private dialogue mechanisms for improving investment and business environment in SADC;
	(iii) Harmonise SADC Member States' investment and business environment related laws and regulations; and
	(iv) Enhance the SADC Tax regime in support of a conducive investment and business environment.
	RA2 - Enhanced integration of financial markets in the SADC region is promoted.
	Under this Result Area, the programme will assist in:
	(i) Development of financial markets in the SADC region;
	 (ii) Developing policies and strategies to address risks to financial stability at regional and national levels; and
	(iii) Strengthen SADC-Real Time Gross Settlement System (RTGS), Committee of Insurance, Securities and Non-banking Authorities (CISNA), Committee of SADC Stock Exchange (CoSSE), SADC Committee of Central Bank Governors (CCBG) and SADC Bank Association (SADCBA).
	RA3 - Enhanced financial inclusion is supported.
	This Result Area focuses on developing proper and specific action plans aimed at reducing costs of remittances and developing financial products for SMEs.
	The SIBE Programme is being implemented by the SADC Secretariat, supported by Long- and Short-Term Experts. The tasks envisaged for the Secretariat include procurement, managing the resulting contracts, payments, reporting to the various stakeholders as well as monitoring and evaluation. The Programme is coordinated by a Task Manager, the Senior Programme Officer – Finance and Investment under the operational oversight and guidance of the Director of Finance, Investment and Customs (FIC).
	The SADC Secretariat has contracted a consortium composed of FinMark Trust, GFA Consulting Group and Southern Africa Trust, under a Service Contract for a Technical Assistance Team including one Long Term Expert to coordinate and manage the implementation of activities across the 3 Result Areas, and a pool of Long and Short-Term Experts.
	These Terms of Reference (ToRs) are a request for the provision of a Short-Term Expert (STE) services to the SIBE Programme to carry out an Assignment: "Build capacity of Member States and business officials in investment promotion and facilitation."
1.3 Background - this	Establishing a conducive environment for domestic and foreign investment is recognised as a major tool for sustainable growth, development, and poverty reduction in the region.
Assignment	To this effect, the SADC Protocol on Finance and Investment (FIP) specifically calls for an investment policy strategy to accompany the

regional integration objectives of SADC. It requires Member States to co-ordinate their investment regimes and co-operate to create a favourable investment climate within the region. Annex I of the Protocol, on Co-operation on Investment, further refers to the need for harmonisation of investment regimes with the objective of developing the region into an investment zone even though economies of the SADC Region and interlinked to those of the rest of the world.

According to the World Investment Report 2020, FDI flows to Africa declined by 10 per cent. FDI inflows to North Africa decreased by 11 per cent to \$14 billion, with reduced inflows in all countries except Egypt. Egypt remained the largest FDI recipient in Africa in 2019, with inflows increasing by 11 per cent to \$9 billion.

After an increase in 2018, FDI flows to Sub-Saharan Africa decreased again by 10 per cent in 2019 to \$32 billion. FDI to West Africa fell by 21 per cent to \$11 billion in 2019 largely driven by the steep decline in investment in Nigeria. FDI flows to East Africa also decreased, by 9 per cent to \$7.8 billion as inflows to Ethiopia contracted by a fourth to \$2.5 billion. Central Africa received \$8.7 billion in FDI, marking a decline of 7 per cent mainly due to the fall in flows to the Democratic Republic of the Congo. Southern Africa was the only sub-region that received higher inflows in 2019 (a 22 per cent increase to \$4.4 billion) but only due to the slowdown in net divestment from Angola. FDI inflows to South Africa decreased.

The global economy is currently in the midst of a severe crisis caused by the COVID-19 pandemic. The immediate impact on FDI will be dramatic. The lockdown measures have slowed down existing investment projects. The future uncertainty and the prospect of a deep recession have negatively affected FDI as well as domestic investments.

Developing economies are expected to see the biggest fall in FDI because they rely more on investment in global value chain (GVC)-intensive and extractive industries, which have been severely hit.

This pandemic context justifies the need for developing strategies to mitigate the impact of the crisis through private investment promotion and facilitation that can play an important role in creating and maintaining jobs, promoting economic diversification and broad-based entrepreneurship, including for Micro, Small and Medium Enterprises (SMMEs).

The focus on investment facilitation comes with the recognition that in today's integrated global economy, expanding investment flows, like trade flows, depend on simplifying, speeding up and coordinating processes. Indeed, in many cases, the bottlenecks, inefficiencies, and

	uncertainties that investment facilitation seeks to address arise from unnecessary red tape, bureaucratic overlap, or out-of-date procedures that become costly impediments to investment.	
	The issue of investment facilitation has developed an increasingly high profile among policymakers, academics, and international governmental organizations over the past five years. Apart from the focus of attention that this has received from the United Nations Conference on Trade and Development (UNCTAD), the Organisation for Economic Co-operation and Development (OECD), and the G20, it has also now become the subject of a Joint Statement Initiative (JSI) on a proposed multilateral framework on investment facilitation (MFIF) among various World Trade Organization (WTO) Members. This JSI has for over two years engaged in "structured discussions" aimed at identifying and developing "the elements of a framework for facilitating foreign direct investments" and clarifying "the framework's relationship and interaction with existing WTO provisions, with current investment commitments among Members, and with the investment facilitation work of other international organizations." (WTO, Investment Facilitation for Development, 26 January 2021)	
	It is worth noting that the WTO members that are negotiating the agreement on investment facilitation for development have approved a roadmap with a view to reaching a substantive outcome by the next Ministerial Conference. At the first round of meetings for 2021 held on 25-26 January, delegations actively engaged in the continued discussion and committed in this new phase to make as much progress as possible — and as speedily as possible — on the development of specific provisions for a future agreement.	
	Under the Support to Improving the Investment and Business Environment in the SADC Region – SIBE Programme, the SADC Secretariat will enhance the capacity of Member States to better manage FDI and domestic investments in the context of the pandemic crisis.	
2. Description of the Assignment		
2.1 Global objective	The overall objective of this assignment is to mitigate the adverse impact of the COVID-19 pandemic crisis by enhancing the capacity of investment promotion and business officials from Member States in new paradigms of investment promotion and facilitation	
2.2 Specific objectives	The specific objectives of the assignment are as follows:	

(i)	Promoting good practices in <i>improving the effectiveness</i> of investment incentives, including helping Member
	States to identify the best ways incentives could contribute to FDI inflows and policy objectives such as
	employment generation, export promotion, and sustainable development.

	(ii) Helping Member States retain and expand FDI by strengthening investor confidence through such steps as reducing the risk of expropriation and by promoting best practices in investment grievance management.		
	(iii) Promoting good policies and practices in maximizing linkages and positive <i>spill over effects of FDI for the local economy</i> .		
2.3 Requested services	According to this process, the following tasks are envisaged in this assignment:		
	(i) Assess good policies and practices on effectiveness of incentives and identify best ways incentives can contribute to achieve the policies objectives.		
	The policies and practices should be sought at the SADC region as well as continental and international levels.		
	 (ii) Set up strategic interventions that Member States could follow for the purpose of retaining and encouraging expansion of FDI and domestic investments, and maximising linkages and positive spill over effects of FDI for the local economy; 		
	 (iii) Develop a knowledge product that will contain the above policies, practices and priority interventions for short- and medium-term interventions; 		
	(iv) Build the capacity of IPAs and other business officials in investment promotion and facilitation.		
	The services will be delivered in five separate, but interrelated Parts as described in section 2.6 below. It should be noted that the timings and locations below are indicative and may be subject to change.		
2.4 Deliverables	The main expected deliverables of this assignment are:		
Deliverables	 An inception report outlining the steps that the STE will use to carry out the above requested services. 		
	 A structured draft Strategic Interventions document on investment promotion and facilitation for validation by main stakeholders (officials of Ministries, private sector representatives). 		
	iii. A final Strategic Interventions document on investment promotion and facilitation for use by Member States.		
	iv. An executive summary of the above, in PowerPoint format for presentation purposes.		

	Note : All deliverables will be the property of the SADC Secretariat.		
2.5 Management	The STE will report to and will be under the day-to-day supervision of the Programme Coordinator and Task Manager/SPO Finance and Investment.		
2.6	The assignment will broadly entail:		
Methodology	1. Part 1: Inception and planning: (10 fee days);		
	2. Part 2: Data collection, including the following tasks:		
	 Undertake desk review of key documentation related to the investment environment in the country, strategic documents, and existing studies related to the assignment. 		
	 Undertake consultations with relevant stakeholders including think-tanks, officials of Government Ministries responsible for investment, the private sector, and International Cooperating Partners. This will be done to gather the necessary primary information, partly to verify the data collected from the documentation review and also to fill the gaps that emerge from the literature review. 		
	During this phase the STE is also expected to become conversant with among others the following:		
	• SADC Vision 2050 and RISDP 2020-2030.		
	SADC Protocol on Finance and Investment.		
	• SADC Industrialisation Strategy and Roadmap (2015-2063) and its Action Plan.		
	SADC Investment Policy Framework.		
	The estimated duration of this part 2 is 30 fee days.		
	3. Part 3: Data analysis, preparation of the SADC Strategic Interventions on investment promotion and facilitation, and submission of the progress report of the assignment in line with the requested services listed above. (25 fee days)		
	 Part 4: Presentation of the Strategic Interventions document on investment promotion and facilitation for dissemination and validation in a two (2) day regional virtual workshop. The STE is expected to identify two or three resource persons to make presentations in the thematic areas, under his own budget. (5 days) 		
	5. Part 5: Finalisation of the Strategic Interventions document on investment promotion and facilitation to incorporate issues		

raised from the validation workshop and a brief final assignment report with the list of all the stakeholders including their contact details. (**10 fee days)**

3. Resources allocated

3.1 Resources from the Technical Assistance contract:

	Part 1	Part 2	Part 3	Part 5	Part 5	
Up to 80 STE days	10	30	25	5	10	
Up to per diem days (approximate)	0	0	0	0	0	
Mobilisation travel	0	0	0	0	0	
Regional travel	None	None	None	None	None	
	The STE will be facilitated to engage with stakeholders virtually. The STE is expected to arrange his/her own transport in the locations of the Assignment.					

3.2 Other related resources allocated from the SIBE budget

Translation of documents	The translation of deliverables will be arranged by SADC Secretariat separately. It should be noted that a minimum of 5 weeks is required for translation of draft reports before the Validation or training workshop.
Interpretation	Interpretation will be arranged by SADC Secretariat separately.
	The STE is expected to utilise their own laptop computers, cellular telephones and internet services.

3.3. Expert profile

Qualifications and skills	 At least a Master's Degree in Economics, Law, Business Studies, Business Administration/Development or related field from a recognised institution.
	 Fluency in English; Knowledge of French or Portuguese will be an added advantage.
	 Excellent computer skills including knowledge of Microsoft Office packages such as Power Point and Microsoft Word.
General	Minimum of 10 years of general professional experience.
professional	 At least 7 years of experience in investment areas within a public or private sector, regional or international

experience	organization.
Specific professional experience	 At least 5 years of experience in at least one of the following: economic policy development, FDI, investment facilitation and promotion, investment law, regional integration. At least 3 years of practical, progressively experience in economic, investment, or legal related field where economic research and analysis are a main feature of the work required. Knowledge of the issues and processes involved in regional economic integration and investment climate/conditions, preferably in Southern Africa. Sound knowledge of SADC coordinated development effort, strengthening and harmonisation of the policy and regulatory framework for investment in the region. Experience in facilitating the development and implementation of regional projects/programmes for investment. Ability to facilitate the implementation of capacity building and training programmes to enhance capacity in investment promotion in the SADC region.
4. Location duration	on and planning
4.1 Location of work	The Assignment will be carried out virtually.
4.2 Duration	The indicative expected start date is 15 July 2021.
	The indicative expected end date is 9 December 2021
4.3 Working week	The working week is from Monday to Friday, except in case of official holidays or SADC closure days as recorded in Annex 1.
	Weekends are not normally considered as working days unless specifically requested and confirmed in advance in writing by the SADC Secretariat.
	However, due to the timing of the validation workshop some weekend dates may be utilised in Part 4 and 5 with the prior authority of the SADC Secretariat.
5. Reporting	
5.1 Language	The Assignment language and all reporting are to be in English.

5.2 Progress reporting	Submission and approval procedure for inception and progress reports
	All written deliverables shall be submitted in soft copy by email, with Arial font size 12, in a format provided by the SADC Secretariat through the Programme Coordinator to the STE.
	The soft copy must not be in PDF format preventing formatting.
	All reports will be submitted to FinMark Trust for quality control; then they will be submitted to the SIBE Programme Coordinator for preliminary endorsement, who will then submit them to the RA Manager and SIBE Task Manager with recommendation for approval. Comments to the reports, if any, will be communicated in writing to the STE within 10 working days of receipt of each report.
	Part 1: Inception report (numbered/STE/IR) and presentation
	The STE will complete a report and submit it by the end of Part 1. The Report will include a methodology for the Assignment.
	In addition, at the end of Part 1 the STE will make a brief Power Point presentation to the Secretariat of the report.
	Note : this presentation is a deliverable and should be annexed to the report. The inception report will be submitted by the STE to FinMark Trust, copied to the Secretariat. FinMark Trust will formally submit it to the SADC Secretariat (Task Manager) for approval.
	After submission, the Secretariat will consider the report and provide any feedback within 5 working days.
	Parts 2 and 3 – Progress report (numbered/STE/PR)
	At the end of Parts 2 and 3, the STE will submit progress reports within 2 working days of the end of each Part.
	Part 4: Dissemination and Validation workshop
	The Strategic Interventions document on investment promotion and facilitation will be disseminated and validated by the stakeholders in a two (2) day regional virtual workshop.
5.3 End of Assignment	Part 5 - End of Assignment Report (EoAR) and presentation
Reporting	The STE will submit the of the Strategic Interventions document on

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	investment promotion and facilitation and brief report for approval at the completion of the Assignment. The Knowledge Product which will be in the form of a report shall be submitted in the format provided and will include, without limitation, the following:
	 An Executive Summary of the whole assignment;
	 List of activities carried-out during the assignment;
	 Methodology/Discussion of key issues;
	Main Conclusions and Lessons Learned;
	 Recommendations for further support to the beneficiary;
	 Key Annexes, such as all deliverables produced, including the completed updated validation workshop report.
	In addition to the report at the end of Part 4 the STE will provide a PowerPoint presentation to the Secretariat of the End of Assignment Report (EoAR) on the last day of the assignment (which will be by way of remote link through Zoom or such other e-platform to be suggested by SADC Secretariat). The presentation is a deliverable and should be annexed to the report.
	EoAR Submission and approval procedure:
	 At the end of the assignment, the EoAR will be submitted by email to FinMark Trust for quality control; then, it will be submitted to the RA Manager for technical comment. Technical comments will be issued within 10 working days.
	 The STE shall address all the technical comments within 15 calendar days of receiving comments and submit the final EoAR to SADC for final technical and administrative approval. If no comments are received from SADC within one month since submission, the EoAR will be deemed satisfactory.
	 Upon acceptance (or if the one-month period has elapsed since submission without comments being received), the EoAR shall be submitted to the RA Manager and the SIBE Task Manager for administrative approval.
	 The Assignment will not be considered to be complete until the approval by the SIBE Task Manager of the EoAR has been obtained.
	 The EoAR shall be delivered in soft copy. The soft copy shall include deliverables produced as annexes. The soft copy must not be in pdf format preventing formatting.

6. Administrative	Information												
Timesheets	The STE will complete a monthly Timesheet according to the template provided by the SIBE Programme Coordinator, recording days worked and outputs.												
	Fees will be due of that are countersign		corded in the Timesheets										
	- SIBE Programme Co-ordinator and Team Leader;												
	- SIBE RA Manager (Programme Officer Investment); and												
	- The SIBE Task Manager.												
	The monthly Timesheet should be accompanied by any progress reports due as at the date of submission, and both should be submitted by e-mail for review and approval.												
	Note: Travel days for mobilisation and demobilisation are not fee- paying days. Travel days for mission-related travels between SADC countries will be recorded as working days and will be fee paying days.												
Travel approval forms	There are no travels envisaged under this assignment.												
Travel support documents	There will not be travels under this assignment.												
7. Endorsement													
SIBE Programme Coordinator	RA Manager	Task Manager	Director-Finance, Investment and Customs										
Mike Nyamazana	Lisivololona Razanajaholy	Mario Lironel	S.L. Mtonakutha										
Signature:	Signature:	Signature:	Signature:										
Date:	Date:	Date: Date:											

ANNEXES TO TOR 029/KRA1.3/AWP5

ANNEX 1: Experts scoring grid

- ANNEX 2: Botswana official holiday 2021-2022 (non-working/fee days)
- ANNEX 3: Gantt chart

ANNEX 4: Estimated budget

ANNEX 1

Experts scoring grid

Qualifications and Experience STE1							
Qualifications and skills	20						
At least a Master's Degree in Economics or Development Finance or any other related area from a recognised institution	10						
Fluency in English. Fluency in French or Portuguese will be an added advantage	5						
Proficient in the use of computers and computer software relevant to the position.	5						
General professional experience:							
Minimum 10 years of general professional experience	15						
At least 7 years of experience in investment areas within a public or private sector, regional or international organizations	15						
Specific professional experience:	50						
At least 5 years of experience in at least one of the following: economic policy development, FDI, investment facilitation and promotion, investment law, regional integration	10						
At least 3 years of practical, progressively responsible experience in, economic, investment, legal or related field where economic research and analysis are a main feature of the work required	5						
Knowledge of the issues and processes involved in regional economic integration and investment climate/conditions, preferably in Southern Africa	10						
Sound Knowledge of the SADC coordinated development effort, strengthening and harmonisation of the policy and regulatory framework for investment in the region	5						
Experience on facilitating the development and implementation of regional projects/programmes for investment promotion and improvement of business environment	10						
Ability to facilitate the implementation of capacity building and training programmes to enhance capacity in investment promotion in the SADC region.	10						
Score	100						

Date	Day	Occasion
1 January	Friday	New Year's Day
2 April	Friday	Good Friday
3 April	Saturday	Public Holiday
5 April	Monday	Easter Monday
1 May	Saturday	Labour Day
13 May	Thursday	Ascension Day
1 July	Thursday	Sir Seretse Khama Day
19 July	Monday	President's Day
20 July	Tuesday	Public Holiday
30 September	Thursday	Botswana Day
1 October	Friday	Public Holiday
25 December	Saturday	Christmas
26 December	Sunday	Boxing Day
27 December	Monday	Public Holiday
1 January 2022	Saturday	New Year's Day
3 January 2022	Monday	Public Holiday

ANNEX 2: Botswana official holidays 2021 -2022¹

 1 The holiday dates are indicative and subject to confirmation by the Government of the Republic of Botswana.

ANNEX 3: Gantt Chart

	Task Description	Duratio n (days)	Start Date	End Date	Week 1	Week 2	Week 3	Week 4	Week 5	Week 6	Week 7	Week 8	Week 9	Week 10	Week 11	Week 12	Week 13	Week 14	Week 15	Week 16	Week 17	Week 18	Week 19	Week 20	Week 21
1	Inception period	10	15-July 21	2-Aug 21	x	X																			
2	Data collection	30	3-Aug	13-Sept		х	х	х	х	х	х														
3	Data analysis and preparation of the SADC Strategic interventions on investment promotion and facilitation	25	14-Sept	12- Oct								x	X	×	X	X									
	Translation of documents	5 weeks	13-Oct	18-Nov													Х	Х	Х	Х	Х				
4	Validation Workshop Submission of	5	19-Nov	25-Nov																		X	X X	Х	
5	the final report	10	26-Nov	09-Dec																					

ANNEX 4. Estimate budget