

SUPPORT TO IMPROVING BUSINESS AND INVESTMENT ENVIRONMENT (SIBE)

Terms of Reference (ToR) for Recruitment of Short-Term Expert (STE)	
Title of Assignment:	Develop a SADC Investment Practical Guide
Reference no:	TOR
Activity Code:	
Responsible SADC SPO:	Mario Lironel, SPO Finance and Investment, SIBE Task Manager, Directorate Finance, Investment and Customs
Date of issue:	3 April 2023
1. Background	
1.1 Background SADC	<p>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 SADC with the signing of the SADC Declaration and Treaty. SADC currently has 16 Member States: Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, United Republic of Tanzania, Zambia and Zimbabwe. SADC has a combined population of approximately 380 million and a Gross Domestic Product (GDP) of more than 780 billion (2021).</p> <p>SADC has a long-term Vision of a regional community that has a common future and that will ensure social-economic well-being, improvement of the standards of living and quality of life, freedom and social justice and peace and security for the people of Southern Africa, as enshrined in the Treaty. In particular, by 2050, SADC envisions a peaceful, inclusive, middle to high income industrialised region, where all citizens enjoy sustainable economic well-being, justice and freedom. This SADC Vision 2050 is expressed in three Pillars: Industrial Development and Market Integration; Infrastructure Development in Support of Regional Integration; and Social and Human Capital Development, and built on a firm foundation of Peace, Security and Good Governance.</p> <p>The Treaty aims are implemented through agreements including Protocols that are legally binding international agreements committing the Member States to the objectives and specific procedures stated</p>

	<p>within them. Currently, SADC has a number of Protocols, including the Protocol on Finance and Investment (2006); the Protocol on Trade (1996); the Protocol on Mining (1997); the Protocol on Trade in Services (2012); and the Protocol on Industry (2019).</p> <p>Through these protocols, SADC envisages to eliminate barriers to intra SADC trade, eliminate import and export duties, quantitative restrictions on exports and imports and all other non-tariff barriers to trade, and remove any obstacles to the free movement of labour, goods and services.</p> <p>In particular, the Finance and Investment Protocol intends to increase cooperation, coordination and management of macroeconomic, monetary and fiscal policies and establishment of macroeconomic stability as a precondition to sustainable economic growth and for the creation of a monetary union in the Region. This would be achieved through coordination amongst central banks on investments and exchange controls, harmonization of legal and operational frameworks, facilitation of regional foreign direct investments, cooperation in regional and capital markets and establishment of a regional clearing and settlement system amongst others. The Protocol on Finance and Investment is an important regional investment facilitation tool as it provides investors with the ability to, among other things, consider tax regimes in making their investment decisions.</p> <p>There are additional strategic documents that guide SADC's activities towards regional integration including the Regional Indicative Strategic Development Plan (RISDP 2020-2030) which is underpinned by the SADC vision 2050, and set out the strategic objectives to be accomplished and the foundation of the integration.</p> <p>The RISDP outlines the need for promoting 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 also highlights the enhancement of monetary cooperation to reform the SADC banking system and harmonization of banking regulatory frameworks.</p>
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	<p>Furthermore, development and strengthening of the financial and capital markets are critical to facilitate free movement of capital and mobilization of financial resources for the promotion of growth and development in the region.</p> <p>The Community is supported by the SADC Secretariat that is located in Gaborone, Botswana. SADC is a consensus-based organisation, and the Secretariat is the principal executive institution of SADC. For further information see www.SADC.int.</p>
1.2 Background - SIBE Programme	<p>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). Financing Agreement and the Contribution Agreement were signed in June 2019 and August 2019, respectively. The Programme will be implemented over a period of 55 months from the date of signature of the Agreements. The Programme is implemented by the SADC Secretariat and covers all the 16 SADC Countries.</p> <p>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).</p> <p>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.</p> <p>The Programme focuses its support on the following Results Areas (RAs):</p> <p>RA1 - An enabling investment policy framework across SADC Member States is supported</p> <p>This result area covers the following main activities:</p> <ol style="list-style-type: none"> i. 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.

	<p>RA2 - Enhanced integration of financial markets in the SADC region is promoted</p> <p>Under this Result area, the programme will assist in:</p> <ul style="list-style-type: none"> i. Developing financial markets in the SADC region ii. Developing policies and strategies to address risks to financial stability at regional and national levels; and iii. Strengthening SADC Real Time Gross Settlement System (SADC-RTGS), Committee of Insurance, Securities and Non-Banking Authorities (CISNA), Committee of SADC Stock Exchanges (CoSSE), the SADC Committee of Central Bank Governors (CCBG) and the SADC Banking Association (SADC BA). <p>RA3 - Enhanced financial inclusion is supported</p> <p>This Result Area focuses on developing proper and specific action plans aimed at reducing costs of remittances and developing financial products for SMEs. In particular, SIBE will support the following main activities:</p> <ul style="list-style-type: none"> i. Develop and implement Financial Inclusion Strategies; ii. Identify key financial inclusion regulatory areas for harmonisation and capacity building; and iii. Monitor Status of and Progress on Financial Inclusion in the Region. <p>The Programme management structure is composed of 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).</p> <p>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 including the provision of 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.</p> <p>The Terms of Reference (ToRs) are a request for the provision of consultancy services to the SIBE Programme to carry out an assignment: “Develop a SADC Investment Practical Guide”.</p>
<p>1.3 Background - this Assignment</p>	<p>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.</p> <p>To this end, 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</p>

	<p>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.</p> <p>According to UNCTAD 2022 World Investment report, FDI to Southern Africa jumped to US\$42 billion due to a large corporate reconfiguration in South Africa. New project announcements included a US\$ 4.6 billion clean energy project finance deal sponsored by Hive Energy (United Kingdom) and a US\$1 billion greenfield project by Vantage Data Centers (United States), with its first African campus. Despite the overall positive FDI trend on the continent, total greenfield announcements remained depressed, at US\$39 billion, showing only a modest recovery from the low of US\$32 billion in 2020 (down from US\$77 billion in 2019).</p> <p>Attracting investment from within and outside of SADC region has been placed at the core of the SADC developmental integration agenda. SADC recognizes that to improve the levels of investment in the region there is need for creation of a favourable investment climate that is responsive to the needs of the investors and the private sector whilst remaining competitive.</p> <p>The focus on a practical guide on how to invest and do business in the region comes with the recognition that in today's integrated global economy, facilitating investors with information that meets their basic and legitimate needs, is one important business facilitation factor. It helps to avoid inefficiencies and uncertainties, wasting time that investment facilitation seeks to address with regard to unnecessary red tape, bureaucratic overlap, or out-of-date procedures that become costly impediments to investment.</p> <p>The process of starting a business is pragmatic, not theoretical. There is no single formula, and it involves a number of steps to follow depending on prescribed requirements and processes set up by individual Member States. It provides basic information, the pros and cons in the fewest words possible, on what investors need to know prior and after the decision making to invest in the SADC Region.</p> <p>At the beginning, the guide will have a general outline of investment opportunities and what it takes to start a successful business in the SADC Region. Further into the guide there will be more specific information on how to get business up and running.</p> <p>The practical guide could further be uploaded in the SADC portal to maximise its benefits in the sense that being an online tool, it will be easily accessible by not only investors, but also policy makers, academics and researchers throughout the world.</p> <p>Under the Support to Improving the Investment and Business</p>
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	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 creating and maintaining an enabling business environment and enhancing investment marketing strategies.
2. Description of the Assignment	
2.1 Global objective	The overall objective of this assignment is to facilitate information access and dissemination on how to invest in, start and run a business in the SADC Region.
2.2 Specific objectives	<p>The specific objectives of the assignment are as follows:</p> <ul style="list-style-type: none"> (i) Enhance transparency of legal and regulatory frameworks and institutional set up in the SADC region to support relevant stakeholders including investors, policy makers, academics and researchers (?) among others; (ii) Enhance peer to peer learning programme among Member States for the SADC business climate reform programme; and (iii) Attract more FDI in the SADC region.
2.3 Requested services	<p>Investing is a long-term journey for investors who usually face challenges across various steps and get the business started and running. Basic information related to those steps need to be available and easily accessible covering pre and post establishment. It is in this context that the following tasks are envisaged for this assignment:</p> <ul style="list-style-type: none"> (i) Define the key steps, processes and formalities required from an investor to access to SADC Member States; (ii) Identify existing policy, legal and regulatory frameworks, institutional set up (with related references and contact details) across Member States; and (iii) Develop a SADC Investment Practical Guide. <p>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.</p>
2.4 Deliverables	<p>The main expected deliverables of this assignment are:</p> <ul style="list-style-type: none"> i. An inception report outlining the steps that the STE will use to carry out the above requested services, including the stakeholder engagement plan; ii. A Data Collection Report summarising the information gathered

	<p>from the desk review and stakeholders ' engagement;</p> <p>iii. An overview on Member States' existing policies, legal and institutional frameworks, institutions support set up, prescribed processes/formalities, tax rates and tax incentives among others, in the context of the investor journey;</p> <p>iv. A SADC Investment Practical Guide for dissemination; and</p> <p>v. An executive summary of the above, in PowerPoint format for presentation purposes.</p> <p>Note: All deliverables will be the property of the SADC Secretariat.</p>
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 Methodology	<p>The assignment will broadly entail:</p> <ol style="list-style-type: none"> 1. Part 1: Inception and planning (5 fee days); 2. Part 2: Data collection, including the following tasks: <ol style="list-style-type: none"> i. Undertake desk review of key documentation related to the investment environment of the SADC region, strategic documents including existing policy, legal and regulatory frameworks, institutional set up, at regional and country levels, related to the assignment. ii. Undertake consultations with relevant stakeholders including investment promotion agencies, officials of Government Ministries responsible for investment and the private sector. 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. <p>During this phase the STE is also expected to become conversant with, among others, the following:</p> <ul style="list-style-type: none"> • 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; and • The SADC Guidelines on Cooperation in Tax Incentives. <p>The estimated duration of this part 2 is 20 fee days.</p> <p>3. Part 3: Data analysis and Development of the SADC Investment Practical Guide. (25 fee days)</p>

	<div>4. Part 4: Presentation of the Draft SADC Investment Practical Guide during one-day regional workshop. (5 days)</div> <div>5. Part 5: Finalisation of the SADC Investment Practical Guide to incorporate issues raised from the validation workshop and a brief End of Assignment Report (EoAR) with the list of all the stakeholders including their contact details. (5 fee days)</div>					
3. Resources allocated						
3.1 Resources from the Technical Assistance contract:						
	Part 1	Part 2	Part 3	Part 4	Part 5	
Up to 60 STE days	5	20	25	5	5	
Up to per diem days (approximate)	0	0	0	4	0	
Mobilisation travel	0	0	0	1	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 his/her own laptop computers, cellular telephones and internet services.					
3.3. Expert profile						
Qualifications and skills	<div><div></div><div>At least a Master’s Degree in Investment Law, Economics, Business Administration, Development Studies, Marketing or any other related area from a recognised institution. A first-level university degree together with at least 10 years qualifying experience may be accepted in lieu of the advanced university degree;</div></div>					

	<ul style="list-style-type: none"> • Fluency in English; • Excellent computer skills including knowledge of Microsoft; Office packages such as Power Point and Microsoft Word.
General professional experience	<ul style="list-style-type: none"> • Minimum of 10 years of general professional experience; • At least 7 years of experience in investment areas within a public or private sector, regional or international organization.
Specific professional experience	<ul style="list-style-type: none"> • At least 5 years of experience in at least one of the following, Business Development, Marketing, FDI, investment facilitation and promotion and investment law; • At least 3 years of practical, progressively responsible experience in, economic, investment, Business Administration and marketing or 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.
4. Location duration and planning	
4.1 Location of work	The Assignment will be carried out virtually.
4.2 Duration	<p>The indicative expected start date is 25 April 2023</p> <p>The indicative expected end date is 04 September 2023</p>
4.3 Working week	<p>The working week is from Monday to Friday, except in case of official holidays or SADC closure days as recorded in Annex 1.</p> <p>Weekends are not normally considered as working days unless specifically requested and confirmed in advance in writing by the SADC Secretariat.</p> <p>However, due to the timing of the validation workshop some weekend dates may be utilised in Parts 4 and 5 with the prior authority of the SADC Secretariat.</p>
5. Reporting	
5.1 Language	The Assignment language and all reporting are to be in English.

5.2 Progress reporting	<p>Submission and approval procedure for inception and progress reports</p> <p>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.</p> <p>The soft copy must not be in PDF format preventing formatting.</p> <p>All reports will be submitted to the Consortium 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.</p> <p>Part 1: Inception report (numbered/STE/IR) and presentation</p> <p>The STE will complete an inception report and submit it by the end of Part 1. The Report will include a methodology for the Assignment.</p> <p>In addition, at the end of Part 1 the STE will make a brief Power Point presentation to the Secretariat of the report.</p> <p>Note: this presentation is a deliverable and should be annexed to the report. The inception report will be submitted by the STE to the Consortium, copied to the Secretariat. The Consortium will formally submit it to the SADC Secretariat (Task Manager) for approval.</p> <p>After submission, the Secretariat will consider the report and provide any feedback within 5 working days.</p> <p>Parts 2 and 3 – Progress report (numbered/STE/PR)</p> <p>At the end of Parts 2 and 3, the STE will submit progress reports within 2 working days of the end of each Part.</p> <p>Part 4: Dissemination and capacity building workshop</p> <p>The Strategic Interventions document on Investment Advocacy and Marketing will be disseminated during the capacity building for the stakeholders in one (1) days regional workshop.</p>
5.3 End of Assignment Reporting	<p>Part 5 - End of Assignment Report (EoAR) and presentation</p> <p>The STE will submit the EoAR for approval at the completion of the Assignment. The report shall be submitted in the format provided and will include without limitation, the following:</p> <ul style="list-style-type: none"> • An Executive Summary of the whole assignment; • List of activities carried-out during the assignment; • Methodology/Discussion of key issues;

	<ul style="list-style-type: none"> • 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. <p>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.</p> <p>EoAR Submission and approval procedure:</p> <ul style="list-style-type: none"> ▪ At the end of the assignment, the EoAR will be submitted by email to the Consortium for quality control; then, it will be submitted to the RA Manager for technical comments. Technical comments will be provided 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 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.
5.4 Report quality, structure, formatting and editing	<p>The STE is responsible for ensuring the quality of his/her reports using the templates and report structures provided or suggested by the LTEs or Programme Coordinator. It is expected that the STE will ensure that the reports are formatted properly and proof-read for grammatical, spelling and other mistakes. While the reports will go through review by the LTEs and other members of the SIBE team, it is not expected that the reviewers will have to correct grammar, spelling and formatting errors. If the STE does not have skills in this respect s/he is expected to seek the services of an editing expert at his/her own cost.</p>

6. Administrative Information

Timesheets	<p>The STE will complete a monthly Timesheet according to the template provided by the SIBE Programme Coordinator, recording days worked and outputs.</p> <p>Fees will be due only for working days recorded in the Timesheets that are countersigned by:</p> <ul style="list-style-type: none"> - SIBE Programme Co-ordinator and Team Leader; - SIBE RA Manager (Programme Officer Investment); and - The SIBE Task Manager. <p>The monthly timesheet submission deadline is the 2nd day after the end of each calendar month. In case of no working days to claim, the STE has to submit a nil timesheet or email indicating no claim in the month in-line with the mentioned deadline. The timesheets must be delivered to the SIBE Project Administrator and the SIBE Project Coordinator of the contracting SIBE Consortium partner.</p> <p>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.</p> <p>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.</p>
Travel approval forms	If regional travel is required, the STE will complete a SIBE travel approval form which will be handed to the SIBE Task manager for processing.
Travel support documents	Boarding passes of regional and mobilisation trips, copies of hotel invoices and other support documents will be handed over to FinMark Trust through the Programme Coordinator.

7. Endorsement

SIBE Programme Coordinator	RA Manager a.i	Task Manager	Director-Finance, Investment and Customs
Mike Nyamazana	Hamilton Thomas	Mario Lironel	S.L. Mtonakutha
Signature:	Signature:	Signature:	Signature:
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Date:	Date:	Date:	Date:

ANNEXES TO TOR

ANNEX 1: Experts scoring grid

ANNEX 2: Botswana official holiday 2023-2024 (non-working/fee days)

ANNEX 3: Gantt chart

ANNEX 4: Estimated budget

ANNEX 1
Experts scoring grid

Qualifications and Experience STE	Points*
Qualifications and skills	20
At least a Master's Degree in Investment Law, Economics, Business Administration, Development Studies, Marketing or any other related area from a recognised institution. A first-level university degree together with at least 10 years qualifying experience may be accepted in lieu of the advanced university degree	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:	30
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, Business Development, Marketing, FDI, investment facilitation and promotion and investment law	20
At least 3 years of practical, progressively responsible experience in economic, investment, Business Administration and marketing or related field where economic research and analysis are a main feature of the work required	15
Knowledge of the issues and processes involved in regional economic integration and investment climate/conditions, preferably in Southern Africa	15
Score	100

ANNEX 2: Botswana official holidays 2023-2024¹

Day	Date	Occasion
Sunday	1 January 2023	New Year's Day
Monday	2 January 2023	Public Holiday
Friday	7 April 2023	Good Friday
Saturday	8 April 2023	Holy Saturday
Sunday	9 April 2023	Easter Sunday
Monday	10 April 2023	Easter Monday
Monday	1 May 2023	Labour Day
Tuesday	2 May 2023	Labour Day
Thursday	18 May 2023	Ascension Day
Saturday	1 July 2023	Sir Seretse Khama Day
Sunday	2 July 2023	Public Holiday
Monday	17 July 2023	President's Day
Tuesday	18 July 2023	Public Holiday
Saturday	30 September 2023	Botswana Day
Sunday	1 October 2023	Public Holiday
Monday	2 October 2023	Public Holiday
Monday	25 December 2023	Christmas Day
Tuesday	26 December 2023	Boxing Day
Monday	1 January 2024	New Year's Day
Tuesday	2 January 2024	Public Holiday

¹ These dates are indicative and subject to change or confirmation by the Government of the Republic of Botswana.

ANNEX 3: Gantt Chart

	Task Description	Duration (days)	Start Date	End Date	APRIL 23	MAY 23	JUNE 23	JULY 23	AUG 23	SEPT 23
1	Inception period	5	25/4/23	4/5/23	X	X				
2	Data collection	20	5/5/23	7/6/23		X	X			
3	Data analysis and preparation of the SADC Strategic interventions on investment 'Advocacy and Marketing	25	8/6/23	13/7/23			X	X		
	Translation of documents	Five weeks	14/7/23 to 18/8/23							
4	Presentation and validation Workshop	5	21/8/23	25/8/23					X	
5	Submission of the final report	5	28/8/23	4/9/23					X	X