



EAST AFRICAN COMMUNITY

DEVELOPMENT OF AN EAC E-COMMERCE E-SIGNATURE POLICY FRAMEWORK AND GUIDELINES FOR CROSS-BORDER RECOGNITION

TERMS OF REFERENCE

Project: Eastern Africa Regional Digital Integration Project (EARDIP)

Contract type: Consultancy Services (firm or consortium)

Estimated duration: Eight (8) months

Location: EAC zone (*Democratic Republic of Congo, the Federal Republic of Somalia, the Republics of Burundi, Kenya, Rwanda, South Sudan, Uganda and Tanzania*)

1. Background and context

The East African Community (EAC), supported by the World Bank, is implementing the Eastern Africa Regional Digital Integration Project (EARDIP) to boost regional digital integration efforts across Partner States comprising the Republic of Burundi, the Democratic Republic of Congo (DRC), the Republic of Kenya, the Republic of Rwanda, the Federal Republic of Somalia, the Republic of South Sudan, the Republic of Uganda, and the United Republic of Tanzania. The primary goal of EARDIP is to enhance regional economic integration by improving cross-border digital infrastructure and services, making broadband connectivity more affordable and fostering a conducive environment for digital services across borders.

The project is structured around four key components:

- a) **Connectivity, Market Development, and Integration:** This component focuses on harmonizing cross-border telecommunication frameworks to facilitate investment, enhance performance, and provide equitable access to telecom services and connectivity. It encompasses a range of activities, including legal, regulatory, and technical assistance, alongside capacity-building initiatives to support the EAC Partner States and IGAD Member States.
- b) **Data Market Development and Integration:** Aimed at developing a cohesive regional data market, this component works towards enabling secure and efficient data

management and sharing. By aligning cybersecurity policies across Partner States, it seeks to protect personal data and foster confidence in cross-border data transactions.

- c) **Online Market Development and Integration:** This component is dedicated to creating a unified regional online market by addressing obstacles to cross-border trade and payments. It supports the implementation of policies to facilitate remote transactions, such as e-signatures and cross-border payments, and establishes guidelines for online marketplaces and digital services.

- d) **Project Management:** This final component provides essential technical assistance and capacity-building support for the project's execution.

Through these targeted components, EARDIP aspires to drive forward the vision of a digitally integrated East Africa, laying the foundation for a more connected, secure, and economically cohesive region.

2. Objectives and output

The objective of this assignment is to develop a regional electronic signature¹ policy framework for commercial transactions in the EAC. This initiative aims to facilitate a harmonized approach to e-signature regulation, ensuring interoperability and legal recognition across the EAC Partner States and global entities.

In particular, the project seeks to reduce trade costs, especially by enabling the signing of remote commercial contracts and cross-border transactions. To this end, the assignment is expected to put specific attention on the types of electronic signatures more suitable to widespread adoption in businesses transactions. This will be achieved through the implementation of a regional policy framework and/or the provision of technical tools to facilitate the adoption of internationally recognized electronic signatures in the EAC Partner States.

3. Scope of work

The consultancy is expected to deliver a detailed assessment of existing e-signature infrastructure across different EAC countries; review the existing legal and institutional frameworks; and take stock of the various use cases within the region.

Subsequent to situational analysis, the consultant will review the suitability of different e-signature models benchmarking on global standards and best practices, especially in regard to the use of electronic signatures for private commercial transaction, recommend the appropriate e-signature model for EAC and develop a road map to guide implementation of the proposed model.

¹ For the purposes of these terms of reference, we use the terms e-signatures, electronic signatures and digital signatures interchangeably to refer to express consent through digital means, independently of their legal value and security.

The final deliverable will be a comprehensive report and a road map for actions that reflects all aspects stipulated above.

More specifically, the Consultant is expected to undertake the following tasks:

a) Review relevant regional and national laws, regulations, policies, standards and practices and recommend harmonization options and strategies:

- i. Review existing laws, regulations, and policies that specifically address or impact the validity, recognition, and use of electronic signatures, and identify challenges that may hinder the effective use and recognition of e-signatures including inconsistencies between national laws, lack of specific provisions for e-signatures, or inadequacies in enforcement mechanisms.
- ii. Assess the current institutional framework on e-signatures including governance and regulatory structures in the EAC Partner States.
- iii. Document policy, legal and regulatory gaps and weaknesses drawing nexus to international best practices and standards, such as those set by the European Union's eIDAS (Electronic Identification, Authentication and Trust Services) Regulation or the United Nations Model Law on Electronic Signatures.
- iv. Recommend policy direction for harmonizing legal, institutional, and administrative frameworks on e-signatures across the Partner States. This will include approaches to development of new laws or amending existing ones, suggesting regulatory strategies, or adoption of common standards and practices.
- v. Propose relevant legislative mechanisms or instrument/s to support adoption and enforcement of e-signatures in the EAC taking into consideration existing avenues including council directives, regulations or regional law.

b) Detailed assessment of existing e-signature environment across different EAC Partner States:

- i. Assess existing e-signature platforms and the current technical standards adopted for e-signatures. Consider the digital infrastructure supporting their use including looking into the technologies employed, the security measures in place, and the interoperability of e-signature systems both within and across Partner States.
- ii. Map out the key stakeholders involved in the governance, implementation, and utilization of e-signatures, such as government regulatory bodies, certification authorities, service providers, business communities, and end-users and their respective engagements and experiences.
- iii. Examine the EAC business landscape, take inventory of prominent trade and service transactions and provide a comprehensive inventory of potential trade and service transactions that could be authenticated using e-signatures.
- iv. Identify and analyze challenges or barriers that have been encountered, including technical, legal, or social obstacles.

- v. Document successes including case studies of successful e-signature implementation practices within the EAC Partner States, highlighting the factors contributing to their success.

c) Recommend the appropriate e-signature model for EAC:

- i. Based on the trade and service use case inventory, the consultant will identify the applicable e-signature models, define their scope, and recommend the most appropriate option for the EAC. The recommended e-signature model should be practical, innovative, and scalable
- ii. The consultant may present different options for an e-signature framework in the EAC, in particular for the purposes of advancing the adoption of e-signature in commercial transactions. To that end, the consultant may explore in detail the feasibility of establishing a type of e-signature that offers additional flexibilities for the use by private parties in commercial transactions. The proposed e-signature model should adhere to international compliance standards and be interoperable with existing EAC authentication infrastructure, such as PKI, among others.
- iii. Benchmark the recommended model with international best practices and standards, such as those set by the European Union's eIDAS (Electronic Identification, Authentication and Trust Services) Regulation or the United Nations Model Law on Electronic Signatures.

d) Formulate a comprehensive policy framework detailing principles, standards and strategies for EAC e-signature adoption and implementation:

- i. Define clear features, technical standards and security requirements for e-signature technologies, including authentication mechanisms, interoperability standards, encryption techniques, and certification services.
- ii. Establish criteria/guidelines for accreditation of trusted service providers and certification authorities that issue digital certificates for e-signatures.
- iii. Address aspects such as validity, cross-border recognition, enforcement, admissibility as evidence, and liability issues.
- iv. Incorporate measures to protect the rights and privacy of users, including consent mechanisms, transparency requirements, and data protection standards.
- v. Ensure that the framework and guidelines cater to both large enterprises and SMEs across various sectors.
- vi. Suggest mechanisms for regular updates and revisions of the framework to adapt to technological advancements and emerging challenges.
- vii. Provide mechanisms for dispute resolution and redress mechanisms related to e-signature transactions.
- viii. Engage with key stakeholders to gather feedback on the findings and recommendations including through workshops, interviews, or consultations, to ensure the perspectives of all relevant parties are considered in the policy framework report.
- ix. Document the findings, analyses, and recommendations into a comprehensive policy report including actionable steps towards a harmonized regional e-signature framework.

e) Develop a road map to guide implementation of the EAC e-signature Policy framework. This will include:

- i. Establishment of a legal and institutional framework:
 - Development of the relevant legal instruments.
 - Creation or designation of national and regional bodies responsible for overseeing the e-signature framework, including regulatory authorities and certification bodies.
 - Outline roles, responsibilities, and interrelationships within the context of the EAC framework.
- ii. Capacity building and awareness programmes:
 - Programs for training government officials, legal practitioners, and the business community on the legal, technical, and operational aspects of e-signatures.
 - Awareness campaigns to educate the public about the benefits and usage of e-signatures, addressing potential concerns and building trust.
- iii. Monitoring, evaluation, and reporting:
 - Mechanisms for monitoring the implementation progress and evaluating the impact of the e-signature framework on digital transactions and economic activities.
 - Reporting schedules to assess achievements, challenges, and areas for improvement, with adjustments to the plan as necessary.
- iv. Cooperation and collaboration to promote mutual recognition of e-signatures:
 - Establishment of forums and coordination with other regional bodies and international organizations to ensure that the EAC e-signature framework is compatible and interoperable with international e-signature standards, facilitating cross-border digital transactions.
- v. Management of potential risks associated with the implementation of the e-signature framework and proposed mitigation strategies.

4. Milestone schedule

No	Milestone/deliverable	Timeline	Indicative payment schedule
1.	Inception report	Within 2 weeks of contract signing	10% of the total contract amount
2.	Draft report detailing: <ul style="list-style-type: none"> • Review and recommendations on relevant regional and national legislation, regulations, policies, standards and practices related to electronic signatures • Assessment of existing e-signature infrastructure across different EAC Partner States • Recommended digital signature model for EAC • Comprehensive policy framework covering principles, standards and strategies for EAC e-signature implementation: • Road map for successful implementation of the EAC e-signature policy framework 	Within 16 weeks after approval of the inception report	40% of the total contract amount
3.	Stakeholder Validation workshop	Within 6 weeks after approval of the draft report	20% of the total contract amount
4.	Final report incorporating comments from the validation workshop	Within 8 weeks after stakeholder validation workshop	30% of the total contract amount

5. Methodology and Work Plan

The consulting firm is required to show how the tasks to be performed are to be achieved in delivering the objective and scope as delineated in this document. The methodology should include research methods, consultations with Partner States, expert meetings, and description of the necessary work steps.

6. Deliverables

The expected deliverables of this consultancy as detailed in the milestone schedule are:

- a) Inception report
- b) Draft Report
- c) Facilitation of stakeholder validation workshop
- d) Final report

7. Duration of the assignment

The Consultant is expected to complete the assignment within 32 weeks from the date of commissioning the assignment.

8. Qualification Requirements

The Assignment requires the services of a consultancy firm with a combination of qualifications, skills and professional experience.

The consultancy firm should demonstrate previous experience in consultancy on e-signature solutions and infrastructure in at least 3 (three) assignments of similar type and nature within the past five years at national, regional or international level.

The firm should present documentary evidence details of these similar assignments and must include at the minimum signed letters of completion from the clients, scope and proof of certification (including start and finish dates).

The consultancy firm may associate with other firms in a Joint Venture (JV) or sub-contracting to enhance their qualifications. Where the firm is not incorporated or registered in any of the EAC Partner States, the firm shall partner with a firm incorporated or registered in any of the EAC Partner States.

The Consultancy firm is required to elaborate in their proposal the envisaged logistical set-up and deployment of appropriate skills for the execution of the Assignment. The consultant should carefully review the scope of work and propose a team of well-organized competent staff to execute the assignment.

The consultancy firm should have:

- a) Proof that the firm has been in existence and practice for at least five (5) years prior to the closing date of this tender.
- b) Valid Tax Clearance Certificate of the firm.
- c) Proof of having undertaken at least three consultancies of a similar or related nature in the last five (5) years.

d) The firm is expected to provide the following key experts to undertake the assignment.

Key positions	Minimum qualification and professional experience required
<p>Team Leader <i>The Team Leader will be the lead consultant for the Assignment and will provide the overall stewardship and technical support needed. He/she will ensure that all activities specified in the consultancy contract are successfully undertaken.</i></p>	<ul style="list-style-type: none"> • Master’s Degree or equivalent in ICT related fields (Computer Science, Information Technology, Computer Engineering, Information Systems, Telecommunication Engineering), digital trade, or other related disciplines. • At least 8 years demonstrated experience in cross-border digital integration projects, e-commerce solutions or in designing, implementing, or advising on electronic signature solutions and infrastructure. • Experience working on similar national or regional projects relating to e-signatures in the EAC or in other Regional Economic Communities in Africa is an added advantage. • Knowledge of international best practices related to e-signatures and digital identity verification. • Engagement with international digital standards organizations or similar projects in other regional blocs, demonstrating the ability to align local initiatives with global trends. • Experience in conducting training sessions, workshops, and awareness campaigns to build capacity and promote understanding of digital policies and technologies. • Experience in developing detailed project plans, timelines, and budgets, as well as monitoring and evaluating project progress. • Excellent communication skills i.e. presentation and reporting skills • Excellent teamwork and organization skills
<p>Cross-border transactions Expert</p>	<ul style="list-style-type: none"> • Master’s degree or equivalent in international trade, trade law, economics, business administration, or a related field. • Minimum of 5 years’ experience on cross-border digital trade and integration projects. • Demonstrated experience in digital law and policy, particularly in e-commerce, e-signatures, data protection, and cybersecurity legislation and policies. • Knowledge of regional trade agreements, trade policies, and regulations that may impact implementation of e-signatures in trade transactions. • Understanding of relevant laws and regulations governing e-signatures in trade, such as the eIDAS regulation in the EU. • Excellent analytical and communication skills i.e. presentation and report writing skills. • Excellent teamwork.
<p>Legal Expert</p>	<ul style="list-style-type: none"> • Master’s degree or equivalent in law.

	<ul style="list-style-type: none"> • At least 5 years of proven experience in drafting legal frameworks, guidelines, or policies in the digital domain for governmental or international entities. • Proven experience gained in the field of regulatory frameworks for digital signatures, data protection, technology and digital platforms. • Ability to conduct in-depth legal research and produce high-quality, actionable documents. • Experience conducting stakeholder consultations and engagement processes. • Strong writing and analytical skills, with previous experience in drafting policy guidelines or legal frameworks. • Familiarity with the process of harmonizing regulations across different jurisdictions. • Excellent analytical and communication skills. • Excellent teamwork skills.
ICT Expert	<ul style="list-style-type: none"> • Bachelor's Degree or equivalent in an ICT related field (Computer Science, Information Technology, Computer Engineering, Information Systems, Telecommunication Engineering) or related fields. • Experience in designing and implementing secure electronic signature systems • Certification in relevant areas such as cyber security, data protection, e-signature technologies is mandatory. • Demonstrated experience on public key infrastructure, digital certificates or information security of a minimum of 5 (five) years. • Proficiency in programming languages commonly used in digital solutions, including e-signature solutions. • Knowledge of cryptographic protocols and standards. • Understanding of secure authentication methods and protocols. • Experience in the EAC or in other Regional Economic Communities in Africa is an added advantage. • Excellent teamwork and communication skills including presentation and reporting skills.