

## TERMS OF REFERENCE



**CONSULTANCY TO REVIEW THE CURRENT STATISTICS ACT OF ESWATINI AND  
DEVELOP A NEW STATISTICS ACT IN LINE WITH LATEST DEVELOPMENTS**

## **1. BACKGROUND INFORMATION**

### **1.1 Background**

The Southern African Development Community (SADC) is a Regional Economic Community comprising 16 Member States, namely; Angola, Botswana, Comoros, Democratic Republic of Congo, Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe. Established in 1992, SADC is committed to Regional Integration and poverty eradication within Southern Africa through economic development and ensuring peace and security.

Article 14 of the SADC Treaty establishes the SADC Secretariat as the principal executive institution of SADC. The Secretariat performs its mandate and functions within the policy, strategic and programme provisions outlined in the Regional Indicative Strategic Development Plan (RISDP).

The Regional Infrastructure Development Master Plan (RIDMP), the SADC Regional Agricultural Policy (RAP), the Industrialisation Strategy and the Roadmap, among others, are complementary guiding frameworks for achieving the regional integration agenda. SADC has also developed various Protocols for domestication and implementation by Member States including the most recent one, the Protocol on Statistics, to enhance harmonization of statistics. The operating framework for implementing statistical activities as priorities for the region is the Regional Strategy for Development of Statistics (RSDS) and is aligned to SADC Vision 2050 and RISDP 2020-30.

Demand for quality and harmonized statistics has been on the rise to monitor progress in developmental agendas at national, regional, continental and global level. The scope of data demand cuts across economic, social and also on emerging issues such as climate change, disaster-risk, environment and others related.

### **1.2 Current situation in the Sector**

The SADC Vision 2050 earmarks Statistics a priority cross-cutting sector whereby by 2050, the region strategic objective in statistics is to realize a robust and responsive regional statistical system to underpin regional integration processes, including measurement of progress and impact. The SADC RISDP 2020-30 draws impetus from the Vision 2050 and thereby identify key intervention areas to achieve the expected outcome of enhanced statistical infrastructure, systems, and capacity across the region for production and effective use of harmonized regional statistics. The key intervention areas include primarily the development and implementation of policy and legal frameworks for coordinating regional statistics and capacity across the entire data value chain of the regional statistical system strengthened.

The Regional Strategy for Development of Statistics (RSDS) 2020-30 is complementary sectoral strategy for achieving regional integration as embedded in RISDP 2020-30, for statistics sector. In line with the strategic objective, expected outcome, implementation plan

and strategic outputs of Statistics as embedded in RISDP 2020-30, the 6 identified strategic intervention areas of RSDS 2020-30 priorities for implementation are as follows:

- (i) Policy frameworks for development of regional statistics;
- (ii) Institutional strengthening and sustainability of the SADC Regional Statistical System;
- (iii) Harmonization of regional statistics;
- (iv) Digital transformation of regional statistics;
- (v) Capacity for data production, management, dissemination and use; and
- (vi) Quality of regional statistics.

In addition to the policy frameworks related to statistical matters in the region, a legal framework in the form of the Protocol on Statistics has been developed and approved to enhance the level of statistical development both nationally and regionally, facilitating the pursuit of monitoring and measuring progress of development agendas at national, regional, continental and global level. The Protocol is conceived as a binding instrument that will entrench and give legal effect to the statistical functions in the SADC region and is expected to give legal mandate to the SADC Secretariat to co-ordinate and provide oversight to the implementation of SADC Regional Statistical System.

At statutory level, the SADC Statistics Committee, comprising of Head of Statistics in the SADC Member States provides policy, strategic and professional guidance for the statistical development and integration processes in the region. The Committee meets at least once a year and monitor progress in the SADC Statistics Program and oversee the implementation of statistical development. The Statistics Unit of Secretariat primary function is to co-ordinate and rationalize all regional statistical activities in line with continental and international statistical frameworks and provides technical and secretarial support to the Statistics Committee. The Committee reports directly to the SADC Council of Ministers.

Secretariat is prioritizing statistical capacity building as part of its implementation plan guided by the RSDS 2020-30. Capacity building shall basically come in the form of: development of practical guidelines in specific domains; rolling out national and regional training programmes and; assisting Member States through technical assistance. These activities are deemed essential to achieve harmonization of statistics with adherence to international manuals and the practical guidelines to be developed. The scope of support to be delivered by SADC Secretariat to Member States also include reviewing and updating of policy instruments guiding national statistical activities such as the National Strategy for Development of Statistics (NSDS), legal frameworks (Statistics Act) and required structure with skills to deliver on the mandate to cater for increasing demand of statistical data by policy makers.

Furthermore, there are modern challenges within the data ecosystem, instilling trust in official statistics and ensuring the delivery of fit-for-purpose statistics. A structured approach to statistical processes needs to be pursued with internationally endorsed within the policy frameworks guiding national statistics activities. Modernization of national statistical systems requires updating of existing policy frameworks guiding Official Statistics including legal instruments such as Statistics Acts to cater the increasing data demands to serve development at all levels. It is within this context that Secretariat is offering technical assistance to its Member States on revising and developing policy frameworks on Statistics.

## **2. OBJECTIVE, PURPOSE & EXPECTED RESULTS**

### **2.1 Overall objective**

The overall objective of this consultancy is to undertake a review of the current legal framework of Eswatini to inform the development of a revised Statistics Act to strengthen governance of Official Statistics at national level and in line with regional, continental and international development priorities.

### **2.2 Specific Objectives (Purpose)**

The objective of the assignment is to produce a revised Statistics Act for Eswatini. In the process of drafting the revised Act, the process involves the review of the existing Act and latest developments at regional, continental and global level to ensure the instrument is aligned to these priorities.

### **2.3 Results to be achieved by the contractor**

The consultant is expected to achieve the following results

- i. Assessment report of policy frameworks of the Central Statistics Office of Eswatini, identifying strengths and weaknesses, and defining specific recommendations to redesign the Statistics Act based on best practices in modernizing national statistical offices;
- ii. Identification of specific and impactful recommendations for implementation towards the drafting of the revised Statistics Act and discussion within the governance structure for consideration; and
- iii. A draft Statistics Act based on findings and recommendations from the assessment and review.

## **3. ASSUMPTIONS & RISKS**

### **3.1 Scope of Work**

African countries, including Eswatini, are faced with the challenge of under-achieving and under-funded statistical systems. To address these challenges, they are now focusing on having frameworks such as the National Strategies for the Development of Statistics (NSDS). These strategies aim to improve the evidence base by providing a strategic framework for developing relevant statistics and the associated infrastructure.

The key statistical needs in Eswatini are expressed in the National Development Plan and in the Poverty Reduction Action Plan, which encompass Eswatini's international commitments for example in monitoring progress towards the Sustainable Development Goals (SDGs). However, there are many other key policy needs for statistics in terms of specific ministerial policies. Statistics are a "public good" and in a democratic society, need to be available and meet the key needs of all stakeholders in society, including the private sector and civil society.

Eswatini's Statistics office is operating through a Statistics Act that was enacted in 1967 which is outdated, and as such it has shown a lot of deficiencies which need to be resolved by a new updated Statistics Act. The main problem is that it is essentially an Act about the establishment of the CSO and the activities of the CSO, and does not cover the wider statistical system (National Statistical System). It does not provide for any coordination function for the CSO.

Other problems with the current Act include the following, many of which are inconsistent with the UN Fundamental Principles of statistics.

- There are no detailed specification of the Director's responsibilities and functions as the head of the department.
- It does not take into consideration issues of professional independence and impartiality thus reducing the legal independence of the CSO.
- It is not in line with new emerging strategies/conventions, such as the NSDS, African Charter on Statistics and Regional Strategies for the Development of Statistics (RSDS) for both SADC and COMESA.
- It lists what topics can be collected with a consequential risk that new statistics might not be covered by this list. List not covered include environmental and climate change statistics
- It does not provide for any advisory committees of users or producers.

There is a need to update the Act to reflect the current status of the CSO and the NSS.

Within this context, this activity is expected to define the legal framework for statistical operations in Eswatini. Such a framework should cater for national development priorities and should be sufficiently robust to support the forthcoming National Strategy for Development of Statistics (NSDS) as well as current and future developments in statistics. Furthermore, the revised Act must be guided by regional, continental and international policy and legal instruments such as the SADC Protocol on Statistics and the African Charter on Statistics.

### **3.2 Geographical area to be covered**

The assignment will be carried out in Eswatini.

### **3.3 Target groups**

This consultancy is expected to target the National Statistics Office of Eswatini.

### **3.4 Specific Work**

The assignment will be carried out primarily through engagement and discussions with Central Statistics Office of Eswatini and the SADC Statistics Unit of SADC Secretariat.

In particular, the consultant will be required to:

1. Review and assess the current situation of the Central Statistics Office of Eswatini in line with national, regional, continental and international frameworks and innovative processes of statistical collection and dissemination;

2. Engage with necessary stakeholders in the execution of the assignment in strict collaboration with the Member State;
3. Prepare a review/assessment report depicting main findings and with specific recommendations for the drafting of the revised Statistics Act;
4. Draft a revised Statistics Act to modernize and strengthen governance of the CSO of Eswatini within the National Statistical System; and

#### **4. QUALIFICATIONS AND EXPERIENCE**

This assignment is expected to be carried out by an individual consultant expert and should be expert in policy frameworks on Official Statistics. The specific profile is provided below:

##### **Qualifications and Skills**

- A minimum of a Degree in statistics, economics or related field. A Master's degree and above shall be an advantage.
- Written and oral fluency in the English language is essential.
- Excellent oral and written communication, analytical, presentation and report writing skills in English Language.
- Excellent time management and organizational skills to prioritize workload and deliver needful during the training week.

##### **General Professional Experience**

- The Expert Must have at least ten (10) years of experience in statistical coordination and innovation.
- At least 5 years of experience working on improving NSOs' statistical capacity with an emphasis on managerial, institutional, and organizational approaches.

##### **Specific Professional Experience**

- Experience of at least 7 years and in at least 3 developing countries in reviewing and drafting legal frameworks on Official Statistics at national level;
- Demonstrated experience of at least 7 years and in at least 3 developing countries in the development of policy frameworks guiding statistical functions in statistics such as strategy review and formulation for NSDS;
- 3 years experience on statistical coordination and innovation at regional, continental and international level;

The expert must be independent and free from conflicts of interest in the responsibilities they take on.

#### **5. REPORTING REQUIREMENTS AND TIME SCHEDULED FOR DELIVERABLES**

##### **5.1 Reporting requirements**

The consultant shall operate under the direct supervision of the Senior Officer – Research and Statistics.

All the deliverables shall be delivered to the SO – Research and Statistics.

All reports shall be in electronic format in MS Word, Excel or PowerPoint as the case may be. The Expert shall work with the Secretariat up to the end of the assignment, shall have delivered the following in electronic format within two (2) months:

<b>Name of report</b>	<b>Content</b>	<b>Time of submission</b>
Inception Report	Outline of the consultant understanding of the assignment and approach/methodology to be implemented with required stakeholders, assumptions, risks, communication methods and work plan with timelines	No later than 7 calendar days after the start of implementation.
Review/Assessment Report of existing Statistics Act	Document to cover results stated at 2.3 and tasks 3.4 above. The recommendations must be SMART and that can be embedded in a results-based framework for monitoring and evaluation to measure impact of the activity.	1 week (7 calendar days) after submission of Inception Report.
Revised Statistics Act	Document in line with 2.3 and 3.4 above and comments from SADC Secretariat and CSO of Eswatini	1 week (7 days calendar days) after submission of Review/Assessment report.

## **5.2 Submission & approval of reports**

Two copies of the reports referred to above must be submitted to the project manager identified in the contract. The reports must be written in English. The project manager is responsible for approving the reports.

## **5.3 Project Management**

Overall responsibility for supervision of the Consultancy will lie with the Senior Programme Officer – Research and Statistics. The Consultant shall be responsible for the operational day-to-day management and coordination of the consultancy work.

## **5.4 Management Structure**

The Consultant shall report to the Senior Programme Officer – Research and Statistics

## **6. LOGISTICS AND START DATE**

### **6.1 Location**

The assignment will involve traveling to Eswatini.

### **6.2 Office accommodation**

None required

### **6.3 Facilities to be provided by the contracting authority**

For the expert working on this consultancy, the Contracting Authority shall facilitate for visa entry in Eswatini, if required.

### **6.4 Facilities to be provided by the contractor**

The contractor must ensure he/she is adequately prepared and equipped for delivery of the training and drafting of deliverables. Moreover, the Consultant is expected to be fully self-sufficient in terms of international travel associated expenses in Eswatini and laptop and related device connectivity for projector for this consultancy.

### **6.5 Equipment**

No equipment is to be purchased on behalf of the contracting authority / procuring entity as part of this service contract or transferred to the contracting authority / procuring entity at the end of this contract. Any equipment related to this contract that is to be acquired



by the procuring entity must be purchased by means of a separate supply tender procedure.

## **6.6 Start date and period of implementation**

The intended start date is as soon as both parties have signed the contract agreement and the period of implementation of the contract will be 60 calendar days from the date of signing the agreement.

## **7. MONITORING AND EVALUATION**

### **7.1 Definition of indicators**

The indicators to be used are timeliness, technical coverage and analytical quality of the Report as detailed in section 5 above.

### **7.2 Special requirements**

The Consultant must declare any potential conflict of interest between the provision of the requested services, and other activities in which a member of their consortium of group(s), or any expert proposed in their offer is engaged.

## **8. ASSUMPTIONS AND RISKS**

### **8.1 Assumptions underlying the project**

It assumed that the consultant would be procured within the reasonable time-frame and activities implemented within the schedule provided of 60 calendar days spread over 2 months.

### **8.2 Risks**

The nature of the assignment presents negligible risks associated with the consultancy. Some of the foreseen risks are the following:

<b>Possible risks</b>	<b>Risk Level</b>	<b>Mitigation Measures</b>
1. Delayed delivery of expected outputs as per minimum standards	Medium	Monitor implementation and delivery of outputs every 5 calendar days through Technical Meetings

## **9. FINANCIAL PROPOSAL**

### **9.1 Financial proposal**

The financial proposal should include all consultancy fees and all costs.

### **9.2 Schedule of payment**

Payments for the assignment shall be related to the reports and their approval as follows:

**20%** of the contract price shall be paid upon submission and approval of the Inception Report

**40%** of the contract price shall be paid upon submission and approval of the Review/assessment report

**40%** of the contract price shall be paid upon submission and approval of the revised Statistics Act