

Terms of Reference

Project title:	Growth for Rural Advancement and Sustainable Progress (GRASP)
Assignment title:	Review and Up-dating of Sindh Fertilizers (Control) Act
Duty station:	Karachi (Sindh)
Travel:	Travel to Karachi and target districts will be required to hold consultations and presentation of the proposed law
Contract type:	Consultancy

Background

The International Trade Centre (ITC) is the joint agency of the World Trade Organization (WTO) and the United Nations (UN). It is the only development agency that is fully dedicated to supporting the internationalization of micro, small and medium enterprises (MSMEs). ITC's mission is to foster inclusive and sustainable economic development, and contribute to achieving the United Nations Global Goals for Sustainable Development.

ITC is implementing the EU funded 'Growth for Rural Advancement and Sustainable Progress' (GRASP) project which aims to contribute to the reduction of poverty through development of rural MSMEs in selected districts within two provinces of Pakistan: Balochistan and Sindh. GRASP will focus on selected product lines within livestock and horticulture.

GRASP will take a holistic approach to building MSME competitiveness in agribusiness value chains starting from a deep understanding of markets and working back through the value chain to enable MSMEs and ultimately producers to create and capture additional value. To do this, GRASP will implement three intermediary outcomes:

1. Regulatory and institutional frameworks improved at federal and provincial levels for rural value chain and MSME development.
2. Productivity, quality, and sustainability of selected value chains in horticulture and livestock improved.
3. MSME commercialization within selected value chains improved.

Under intermediary outcome 1, GRASP will seek to improve the regulatory and institutional frameworks, at federal and provincial levels in Sindh and Balochistan, in the areas of domestic commerce, agricultural policies, rural MSME development and food safety, including plant and animal health. GRASP will undertake regulatory reform by developing and sustaining policies, laws, regulations (including upgrading existing laws) and strengthening government institutions to reduce barriers to competition and market openness, and foster market dynamics, while ensuring essential social and environmental welfare. GRASP will employ highly inclusive approaches to the design and implementation of regulatory reforms through close participation of all relevant stakeholders, especially the private sector including the small hold farmers and women through

wide range consultations and public private dialogue (PPD).

Weak regulatory framework and inadequate control mechanisms in the marketing and use of fertilizers in the province was one of the key issues identified through consultations with the public and private sectors during the inception phase of the GRASP project. Though, necessary law exists in the shape of Sindh Fertilizers (Control) act to regulate the sale, distribution and use of fertilizer and fertilizer material in the province, however, there is a need to review the existing regulation and enrich it to meet for the current and future needs on the subject.

In this context, ITC is hiring national consultants to support the Government of Sindh in review and up-dating of the Sindh Fertilizers (Control) Act by working closely with all relevant stakeholders from government, private sector, academia among others. The updated law will regulate production, registration, packaging, transportation, storage, disposal, labelling, use, inspection, testing, marketing, incident reporting (among other areas) of the Fertilizers in the province. The law will be updated in close collaboration with the Sindh Agriculture Department.

Description of Duties/Responsibilities

ITC intends to hire a legal expert to review and update the Sindh Fertilizers (Control) Act by undertaking a regulatory impact analysis of existing laws in force in Sindh and/or in other provinces of the country as well as international best practices and evolving trends. The proposed law will be updated in consultation and coordination with all relevant stakeholders from public and private sectors and shall specifically cater for the production, registration, packaging, transportation, storage, disposal, labelling, use, inspection, testing, marketing, incident reporting (among other areas) of the fertilizers in the province.

The Legal Consultant (Fertilizers Act) will work under the guidance of the Islamabad based Policy Lead in association with Sindh GRASP Lead and under the overall supervision of GRASP Coordinator. The consultant will be required to collaborate with other ITC GRASP staff and consultants working on the GRASP project.

The consultant would be required to address the below specific objectives of the assignment:

- Review existing Sindh Fertilizers (Control) act and other national and provincial laws related to and affecting the above mentioned areas of fertilizes and draft an updated law for regulation and control of fertilizers in Sindh in line with the evolving trends, domestic experiences (in other provinces) and international best practices. The consultant will employ an inclusive approach to produce the draft law by engaging in consultations with the private sector (including more vulnerable groups such as small hold farmers, SMEs and women) to identify challenges and needs; and with relevant government departments to understand government objectives and with any other stakeholders. Based on the collected information, the consultant will develop policy options (regulatory responses) that strike a delicate balance between government objectives and ease of doing business and present them to a PPD before further legal drafting and finalization.

"The consultant has to ensure that s/he has obtained the necessary permissions with regard to intellectual property rights required to perform his/her services under this consultancy contract and for the subsequent dissemination by ITC in any form. Documentary proof is to be submitted to ITC. S/he has further to ensure to obtain accreditation to the event(s) as required. Should any license fee be due for the use of copyrighted materials of third parties, the consultant shall request the prior written permission from ITC."

Expected Outputs and Timelines

Activities	Expected Outputs	Timeline
Conduct literature review including existing provincial law and historical federal and provincial laws related to the regulation and control of fertilizers in the country. The	Issue paper is produced	Issue paper is submitted no later than one week from start of contract

review should also include the best international practices (especially from comparable countries) and based on the review, an issue paper should be developed.		
Together with the departmental focal person from Sindh Agriculture Department, hold consultations with the relevant stakeholders in public and private sectors to identify the challenges faced by various private sector actors from across the value chain and to gain understanding of government objectives. Subsequently, come up with a draft outline of the revised law specifically indicating different sections and parts of the proposed law to show case structure. Along with outline develop a narrative of the proposed provisions and sections of the proposed law	Outline and narrative are produced (the areas included in the outline will be validated by ITC and Sindh Agriculture Department)	Week 2-3
Present the proposed law in a one day PPD in Karachi to present and select policy options that satisfy both public and private objectives	PPD is held	Week 4
Based on the discussions at PPD and feedback received from the stakeholders, develop first draft of the revised Act and submit to ITC. Incorporate changes as suggested by ITC and Sindh Agriculture Department among other stakeholders.	First draft of revised draft law is produced	Week 5
Present the draft law in SRRC and or experts round table after incorporating all suggestions from stakeholders review	Proposed law is finalized and presented	Week 6
Submit final draft of the proposed law	Final draft of proposed revised law is submitted	Week 6

Skills

- Excellent presentation and communication skills
- Strong networking and capacity to build partnerships
- Good knowledge of institutions working on and facilitating production, certification, transportation and marketing of pesticides
- Extensive knowledge of institutional and regulatory regime in Pakistan
- Excellent legal drafting skill
- Excellent legal drafting skills

Education

Master's degree (or higher) in Law, Agriculture, Economics, Business, Development studies or a closely related field. Extensive relevant experience may be accepted in lieu of the university degree. A combination of qualification in law and business/economics/agriculture would be preferred.

Experience

- At least 8 years of progressively responsible experience working on issues related to legal affairs, drafting laws, economic development and policy formulation on agriculture/economic/trade/rural development matters in Pakistan.

- Experience with research and report writing in the above-mentioned fields
- Experience with project related consultancies and drafting project related documents in relation to drafting of laws, economic/trade/rural development matters

Languages

Fluency in Urdu and English required