

# Terms of Reference

<b>Project title:</b>	<b>Growth for Rural Advancement and Sustainable Progress (GRASP)</b>
<b>Assignment title:</b>	<b>Review and up-dation of The Sindh Wholesale Agricultural Produce Markets (Development and Regulation) Act 2010</b>
<b>Duty station:</b>	<b>Karachi (Sindh)</b>
<b>Travel:</b>	<b>Travel to Karachi will be required to hold consultations and presentation of the proposed law</b>
<b>Contract type:</b>	<b>Consultancy</b>

## 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.

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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).

In this context, ITC is hiring national consultants to review and update the (existing) The Sindh Wholesale Agricultural Produce Markets (Development and Regulation) Act, 2010 by working closely with all relevant stakeholders from government, private sector, academia among others. The existing law provides for better regulation of the sale and purchase of agricultural produce and for the establishment of markets for agricultural produce in the province. However, a lot has changed over time in terms of the dynamics of agriculture markets, consumer preferences and innovations in wholesale, marketing and logistics channels. Accordingly, in order to assist the development of agricultural commerce through multiple channels and to provide meaningful support to the agricultural producers, suppliers, growers, and traders, it is necessary to review the existing law and develop an upgraded draft law to cater for the needs of all stakeholders according to international best practices and domestic experiences, especially in other provinces and comparable foreign economies.

### **Description of Duties/Responsibilities**

ITC intends to hire a legal expert to draft the updated Sindh Wholesale Agricultural Markets Produce (Development and Regulation) Act by undertaking a regulatory impact analysis of the existing law including comparisons with similar laws in force in other provinces of the country as well as international best practices and evolving trends. The proposed law will be developed in consultation and coordination with the Sindh Agriculture Department and all other relevant stakeholders from public and private sectors. The proposed revised law shall specifically cater for the registration, establishment, regulation (including possible establishment of any authority body), market information systems, transparency and dispute settlement concerning agricultural produce markets among others.

The Legal Consultant (Agricultural Markets) 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 national and provincial laws related to and affecting the agriculture produce markets in Sindh and develop a draft law to replace the Sindh Wholesale Agricultural Produce Markets (Development and Regulation) Act 2010 for regulation and smooth functioning of the agricultural produce markets in Sindh in line with the evolving trends, domestic experiences 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 with the existing law and with Sindh Agriculture Department to understand government objectives and with any other stakeholders. Based on the collected information, the consultant will develop policy options 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**

<b>Activities</b>	<b>Expected Outputs</b>	<b>Timeline</b>
Conduct literature review including existing and historical federal and provincial laws related to and affecting the agriculture produce markets in Sindh. The Sindh Wholesale	Issue paper is produced	Week 1

Agriculture produce markets act, similar laws in force in other provinces of the country and international best practices (especially from comparable countries) should be reviewed, and an issue paper should be developed based on the review.		
Together with the Departmental Representative of 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.  Come up with a draft outline of the 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	Week 2-3
Present the proposed law in a PPD in Karachi to present and select policy options that satisfy both public and private objectives	PPD is held and policy options selected	Week 4
Based on the discussions at PPD and feedback received from the stakeholders, develop first draft of the Act and submit to ITC. Incorporate changes as suggested by ITC and Sindh Agriculture Department.	First draft is produced	Week 5
Present the draft law in SRRC and or lawyers round table	Proposed law is presented	Week 6
Finalize the draft in light of the discussion at SRRC/Round table and after consultation with ITC and Sindh Agriculture Department. Submit final draft of the proposed law	Final draft of proposed 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 skills
- Excellent legal drafting skills

### **Education**

Master's degree (or higher) in Law, 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 would be preferred.

## **Experience**

- At least 10 years of progressively responsible experience working on issues related to legal affairs, drafting laws, economic development and policy formulation on 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 development of laws, economic/trade/rural development matters

## **Languages**

Fluency in Urdu and English required