

Terms of Reference for Development of National Agrochemical Policy and Law
Ministry of Agriculture Development, Somaliland
P101-093, P101-094 and P101-095

1. Background

The Somaliland Development Fund (SDF) was established in 2012 to provide a single vehicle through which development partners could support Somaliland's development goals. The first phase of the SDF was implemented in 2013-2017 and supported the Government of Somaliland (GoSL) filling a critical gap through funding projects that are fully aligned to the National Development Plan (NDP) while at the same time recognizing the role of GoSL in the delivery of basic services.

The Somaliland Development Fund – Phase 2 (SDF2) covers the period 2018-2024. SDF2 is conceived as an inclusive economic development program. It supports the GoSL in delivering infrastructure that is relevant for inclusive economic development. It focuses on sustainable investments that spur job creation and fast growth, while at the same time laying the foundation for long-term resilience and development, leading to a more stable and peaceful Somaliland. SDF2's support is fully aligned with government priorities as defined in the National Development Plan 2 (NDP2) 2017-2021 and reflect the priorities set out in Somaliland Vision 2030.

The objectives of the SDF2 are threefold:

- Support increased inclusive economic growth through investment in productive, strategic infrastructure to enhance economic growth and revenue generation.
- Strengthen and maintain the capabilities of the government of Somaliland to prioritise and manage the sustainable and equitable development of Somaliland's infrastructure.
- Support strong government ownership of development priorities aligned with the National Development Plan.

2. Ministry of Agriculture Development proposed project

The SDF has allocated funds to the Ministry of Agriculture Development for the implementation of the Sustainable Land Management Project. The proposed project is a scaling up of the SDF1 Soil and Water Conservation Project at Maroodijeh Upper Catchment and will be implemented in the Durdur Ad Catchment, in Awdal region.

The project contains five major outputs:

Output 1: Capacity building

Capacity development component for MoAD to enhance its ability to initiate, deliver, and support the management of investments/projects – Crucial for economic development and value for money being realized as a result of the projects, will be the ability to select investments with comparative strategic economic and social advantage for diverse members of the population and which are resilient to current and future shocks (climate and otherwise). In summary, the project will provide capacity development to MoAD to improve institutional performance and effectiveness of service delivery.

Output 2: Improved community level governance

Community engagement through creation/enhancing or formation of village development committees (VDC), water management committee, women committee and watershed management committee in the catchments – Under this component the VDCs established under SDF1 in MUC will be maintained and strengthened, and in DAC VDCs will be established (where they do not exist) and strengthened.

Output 03: Improved soil and water conservation

Construction of soil and water conservation (SWC) structures – This component is divided into two sub-components, namely soil conservation, which is mainly the construction of soil bunds, construction of eyebrows, plugging of gullies on did slopes and the construction of sand dams, and water conservation structures like the construction of communal berkads and earth dams.

Output 04: Improved farming practices introduced

Promotion of improved agricultural practices and crop husbandry and farmer trainings. Under this component the project will: 1) conduct a yield assessment baseline survey; 2) introduce and promote legumes in the cropping system; 3) introduce improved crop varieties; 4) provide farmer field school trainings; and 5) construct a feeder road that will enable marketing of farm produce from project locations to Borama and elsewhere.

Output 05: Dryland agriculture research and extension

Completion and operationalization of Aburin Dryland Agriculture Research Centre which was started under SDF1. Under this component the project will purchase the laboratory equipment for the Research Centre.

3. Agrochemical situation in Somaliland

One of the most critical aspects in the development of a vibrant and economically viable agricultural sector in Somaliland is the development of the National Agricultural Sector Chemicals Control Policy and an accompanying law. Agricultural chemicals are an important part of agricultural practice as they are key to ensuring high yields in all agricultural crops which in turn results in improved food security. Agricultural chemicals range from pesticides used for pest control to fertilisers used for enhancing soil fertility. Whereas these chemicals remain important, they can also be hazardous to the soil, crops and to the users (farmers and their families), if not handled with care. Currently all agricultural chemicals are imported into Somaliland from abroad and its import is largely unregulated. The purpose of the proposed National Agricultural Sector Chemicals Control Policy and Law is to provide the Somaliland Ministry of Agriculture with a tool for guiding importation, use and control of the agricultural chemicals to optimise their benefits in the agricultural sector.

4. Scope of work

The purpose of this assignment is to draft an appropriate National Agricultural Sector Chemicals Control Policy and an accompanying National Bill for submission to the Somaliland Cabinet Office and Parliament for approval. To fulfil the purpose, the Somaliland Development Fund Secretariat is seeking the services of a Team led by an Agrochemicals Policy and Law Expert.

The Team will review relevant formal and informal documents and information which includes but is not limited to, existing Somaliland policies, strategies and regulations, the National Development Plan, and best practices regarding Agrochemical laws in similar contexts and jurisdictions. The Team will work closely with MoAD and consult organisations such as FAO, IFAD, Somaliland Legal

Office, Somaliland Quality Control Commission, and other relevant stakeholders in Somaliland. Within this context, the Team will draft the National Agricultural Sector Chemicals Control Policy and Bill according to the international best practices for legal documents in the sector. The draft bill will be translated into Somali by the Legal Translator. These documents will be made ready for submission to Somaliland Cabinet Office and Parliament for approval.

5. Key tasks

The Team will execute the following tasks:

5.1 National Agricultural Sector Chemicals Control Policy (Agrochemicals Policy and Law Expert and Ministry Counterpart)

- Assess the status of agricultural chemicals importation, storage and use in Somaliland by reviewing of existing (draft) agricultural and other relevant policies and laws in Somaliland and their application, identifying and analysing gaps and other discrepancies to be considered when drafting the National Agricultural Sector Chemicals Control Policy.
- Review of existing agricultural chemicals practices, policies, and laws in contexts similar to Somaliland and identify best practices from them.
- Consult with the main stakeholders in the agricultural sector to get an understanding of agrochemical sector in terms of how the agricultural chemicals are brought in the country and regulated. This includes strengths and weaknesses, opportunities, and threats. The stakeholders include government departments, NGOs, UN organizations, private sector, and donors among others.
- Based on the results of the above analysis, formulate National Agricultural Sector Chemicals Control Policy objective(s) and policy options for discussion with the Ministry of Agriculture and other relevant bodies such as the Somaliland Quality Control Commission. At this stage, the pros and cons of the various policy options that could be applied to achieve the set of policy objectives should be presented for discussion and concurrence.
- Assemble all information collected from various sources in a coherent manner based on the policy options as a draft for presentation to the stakeholders for discussions and validation.
- Facilitate the convening of a national agrochemicals forum (1 day). This forum shall bring together all the stakeholders from across the agricultural chemicals sector to discuss ways of creating an enabling policy environment that fosters performance and improvement in the sector. The event will include presentations and group discussions aimed at stimulating stakeholders to exchange views and reflect on actions needed to strengthen the agrochemicals sector and improve safety in their use as well as improving collaboration between the public and private sectors in enforcing the regulations. The participants to the forum should include but not be limited to central and local government officials, Somaliland Quality Control Commission, FAO, IFAD, NGOs, farmers, agrochemical suppliers and specialists.
- Based on the outcome of the national agrochemicals forum, draft the National Agricultural Sector Chemicals Control Policy in coordination with the Ministry of Agriculture according to international best practice, international guidelines, and protocols for the sector.
- Present written submission of a draft National Agricultural Sector Chemicals Control Policy to the Ministry of Agriculture and the SDF Secretariat for review.
- Hold a validation workshop for the draft policy and incorporate final comments and recommendations that result from this review and validation into the draft.

- Present the final proposed National Agricultural Sector Chemicals Control Policy to the Ministry of Agriculture and the SDF Secretariat for approval.

5.2 Drafting of the National Agricultural Sector Chemicals Control Bill (Legal Drafting Expert)

- Review the approved National Agricultural Sector Chemicals Control Policy document.
- Seek clarifications from the Ministry of Agriculture on any unclear policy issues and any necessary information on the intended legislation.
- Consult with the relevant legal regulatory authorities in Somaliland to understand the requirements for national legal documents including bills.
- Draft the National Agricultural Sector Chemicals Control Bill based on the input from the national legal regulatory authorities, Ministry of Agriculture, and the content of the approved National Agricultural Sector Chemicals Control Policy.
- Submit the draft bill to the Ministry of Agriculture for validation.
- Complete the procedures for legalization of the documents for submission to the Cabinet and the Parliament.

5.3 Translation of the National Agricultural Sector Chemicals Control Bill (Legal Translator)

- Translate the validated draft bill in consultation with the competent legal authorities in Somaliland.

6. Deliverables

- Inception report outlining approach, methodology and work plan
- Draft National Agricultural Sector Chemicals Control Policy
- Draft National Agricultural Sector Chemicals Control Bill
- Final National Agricultural Sector Chemicals Control Policy and Bill

7. Timing and duration

The assignment will be completed in 3 months from commencement and Expert input shall be distributed as follows:

1. Agrochemicals Policy and Law Expert (Team Leader) – 40 working days
2. MoAD Counterpart – 3 months secondment
3. Legal Drafting Expert – 25 working days
4. Legal Translator – 20 working days

The Team shall work from the Ministry of Agriculture office in Hargeisa, Somaliland.

8. Reporting Arrangements

- The Team will work under overall guidance of the Fund Manager and in close supervision by the MoAD Project Manager.
- The SDF Secretariat will arrange all transport and accommodation as required.

9. Reporting Deliverables

Outputs will be delivered in written form and electronically in an editable format. The work will be owned by the Ministry of Agriculture.

Activity	Working Day
National Agrochemicals Regulation Policy	
Inception report outlining approach, methodology, work plan	1 st – 5 th day
Initial outcome of review of relevant documents	6 th – 15 th day
National Agrochemicals Forum and minutes of the outcome of the forum	16 th – 20 th day
Draft National Agricultural Sector Chemicals Control Policy	21 st – 31 st day
Validation of the National Agricultural Sector Chemicals Control Policy (incl. workshop)	32 nd – 34 th day
Final National Agricultural Sector Chemicals Control Policy	35 th – 40 th day
National Agricultural Sector Chemicals Control Bill – English version	
Inception report outlining approach, methodology and workplan	41 st – 45 th day
Draft National Agricultural Sector Chemicals Control Bill – English version	46 th – 60 th day
Final National Agricultural Sector Chemicals Control Bill – English version	61 st – 65 th day
National Agricultural Sector Chemicals Control Bill – Somali Version	
Inception report outlining approach, methodology and workplan	66 th – 70 th day
Draft National Agricultural Sector Chemicals Control Bill – Somali version	71 st – 80 th day
Final National Agricultural Sector Chemicals Control Bill – Somali version	81 st – 85 th day

10. Required Qualifications/Skills

10.1 Agrochemicals Policy and Law Expert – 40 days

The Agrochemicals Policy and Law Expert will work with a counterpart seconded from the Ministry of Agriculture and will be expected to have the following qualifications, skills, and experience:

Qualifications and skills

- At least a Master's Degree in Agronomy, Chemistry, Biology.
- Demonstrated excellent command of spoken and written English.
- Excellent interpersonal and diplomatic skills.

General professional experience

- Minimum 10 years of experience in working in the agricultural sector at policy or advisory level in contexts similar context to Somaliland.
- Minimum of 7 years of experience in development policy and legal frameworks in the agricultural sector.

Specific professional experience

- Minimum of 5 years of experience in development of legal documents, preferably related to agriculture, environment, or natural resources management sector.
- Minimum of 5 years of experience working on formulating or enforcing policies and regulations in the agrochemical use.
- Experience in facilitating agriculture policy dialogue and/or working groups.
- Have led in the development and drafting of at least 1 agrochemical policy in the last 5 years.

The National Counterpart will be seconded by the Ministry of Agriculture from its existing cadre for a period of 3 months.

10.2 Legal Drafting Expert – 25 days

The Legal Drafting Expert will be expected to have the following qualifications, skills, and experience:

Qualifications and skills

- At least a Master's Degree in Law from a recognised University.
- Post graduate training in legal drafting.
- Demonstrated excellent command of spoken and written English.
- Excellent interpersonal and diplomatic skills.

General professional experience

- Minimum of 8 years of experience in the legal field, preferably working in/with the public sector.

Specific professional experience

- Minimum of 5 years of professional experience in development of legal documents, preferably related to agriculture, environment, or natural resources management sector.
- Evidence of at least 2 bills drafted in the last 5 years.

9.3 Legal Translator – 20 days

The Legal Translator will be expected to have the following qualifications, skills, and experience:

Qualifications and skills

- At least a Bachelor's Degree in Law.
- Demonstrated excellent command of spoken and written English and Somali.
- Excellent interpersonal and diplomatic skills.

General professional experience

- Minimum of 8 years of professional experience in the legal field, preferably working in/with the public sector.

Specific professional experience

- Minimum of 5 years of legal documents translation.
- At least 2 legal documents translated from English to Somali and approved by the Attorney General Office in Somaliland.

11. Reports and Reviews

Upon completion of the study the Team will prepare and submit three (3) hard copies and editable electronic copies (in Word, Excel, etc.) to the SDF Secretariat, Ministry of Agriculture and Project Management Team. PDF alone is not allowed.

12. Equipment

No equipment is to be purchased on behalf of the Client/Contracting Authority as part of this service contract or transferred to the Contracting Authority or local counterparts at the end of this contract. The Team is expected to either rent or bring their equipment to complete the consultancy assignment with all the necessary software installed.

13. Fees and Allowances

- The successful candidates will be offered competitive daily fees. The fees will be paid upon submission of the final report, timesheet, and an invoice.
- All fees will be paid after the completion and approval of the final report.
- The SDF Secretariat shall organise and pay for the Experts' accommodation, travel within Somaliland, and DSA as per SDF guidelines.

14. Duty of Care

- The Experts will work under the overall Health, Safety and Security protocols of the SDF Secretariat.
- The Experts will be expected to provide insurance for health care, accidents, and other risks associated to the assignment. The SDF Secretariat/MoAD shall be free from any liabilities arising from the same.

15. Other provisions

- **Accountability:** The SDF Deputy Team Leader (Projects) maintains the overall supervision of this assignment. However, the Team will technically report to the Productive Sector Specialist at the SDF Secretariat and will work on day-to-day basis with the Project Management Team at Ministry of Agriculture, specifically the Project Manager.
- **Duty post:** The work is to be performed in Hargeisa. Travel to the field if required will be arranged by the SDF/MoAD.
- **Personal computers:** The Experts will be responsible for provision of their own computer.
- The SDF Secretariat will provide transportation by air or road for the Experts from their home to Hargeisa.
- **Relevant documents:** The SDF Secretariat/MoAD shall furnish all pertinent available data and information and give such assistance as shall be reasonably required by the Experts in carrying out provision of this Agreement.
- **Office Space:** MoAD will provide office space for the Team during their stay in Hargeisa.
- The SDF Secretariat will arrange all transport by road or air as needed.
- The SDF Secretariat will arrange accommodation.