



FEDERAL GOVERNMENT OF SOMALIA

Ministry of Finance

TERMS OF REFERENCE

**CONSULTANCY SERVICES FOR THE FORMULATION OF THE NATIONAL
SINGLE WINDOW (NSW) ACT FOR SOMALIA**

June 2026

1. Background

Under the Horn of Africa Initiative, the World Bank is financing the De-Risking, Inclusion and Value Enhancement of Pastoral Economies (DRIVE) Project, with the Ministry of Commerce and Industry (MoCI) as a key implementing beneficiary. Under Component 2, the Project supports trade facilitation and market-access reforms, including the design and implementation of Somalia's National Single Window (NSW).

The Final Needs Assessment for NSW implementation confirms that Somalia is ready to proceed with NSW reform through a sequenced approach and sustained institutional, legal, technical, and capacity investments. The assessment identifies critical legal gaps that must be addressed as a precondition for effective implementation.

Specifically, the current legal and regulatory framework remains fragmented; while the 2020 Customs Act provides a base for customs operations, it does not comprehensively establish mandatory electronic submissions, enforceable inter-agency data exchange, or a full legal basis for integrated NSW operations. In addition, key digital laws (Electronic Transactions, Cybersecurity, and Cybercrime) remain in the legislative pipeline, and there is no overarching statutory obligation requiring participating agencies to exchange data through one national platform.

The assessment therefore recommends immediate legal reform, including development of a dedicated NSW legal instrument (either a standalone NSW Act or formal amendments to existing legislation), designation of a clear lead authority, and harmonization of sectoral legal provisions for digital permits, certificates, and declarations.

In response, MoCI intends to procure a specialized legal and institutional advisory firm to draft the National Single Window Act and associated legal instruments, through a consultative process that aligns with Somalia's constitutional context, federal governance architecture, international trade facilitation standards, and World Bank good practice.

2. Objectives of the Assignment

2.1 Overall Objective

The overall objective of this assignment is to develop a comprehensive, implementable, and consultation-validated legal package for establishment and operationalization of Somalia's National Single Window, centered on a draft National Single Window Act ready for Government legislative processing.

2.2 Specific Objectives

- a. Conduct a comprehensive legal and institutional diagnostic of laws, regulations, mandates, and procedures relevant to cross-border trade, permits, licensing, certification, risk management, and digital government services.
- b. Develop legal-policy options for institutional ownership, governance, financing, fee-setting, revenue management, accountability, mandatory use, phased transition, and inter-agency coordination of the NSW, including treatment of federal and sub-national implementation arrangements.

- c. Prepare legislative drafting instructions and produce a high-quality Draft National Single Window Bill (NSW Act), aligned with the mandatory international reference instruments listed in Annex 1 of this ToR, with clear scope, principles, institutional mandates, compliance obligations, enforcement provisions, risk-based facilitation measures, and enabling provisions for an Authorized Economic Operator (AEO) or trusted trader regime, where appropriate. .
- d. Prepare draft subsidiary legal instruments (regulations, directives, schedules, and model inter-agency arrangements as applicable) required to operationalize the Act.
- e. Lead structured stakeholder consultation and validation with public agencies, private sector users, and legal oversight institutions, and integrate agreed comments into final drafts.
- f. Produce an implementation-oriented legal roadmap for enactment, transition, and phased mandatory use, financing arrangements, and operationalization of the NSW, including immediate, medium-term, and long-term legal actions, dependencies, responsible institutions, and transitional measures required to move from paper-based or fragmented agency processes to legally enforceable electronic processing through the NSW.
- g. Assess the gender-differentiated and inclusion impacts of the proposed NSW legal framework, including whether the financing model, fee structure, mandatory use provisions, digital submission requirements, transition arrangements, service standards, user obligations, and appeals mechanisms may disproportionately affect women traders, small-scale traders, informal cross-border traders, persons with limited digital access, and other potentially disadvantaged user groups; and propose practical legal and implementation safeguards.

3. Scope of the Assignment

The consultant shall undertake, at minimum, the following work streams:

3.1 Inception, Methodology, and Work Planning

- a. Prepare a detailed inception report setting out methodology, stakeholder mapping, consultation plan, quality assurance arrangements, risk management, and delivery timetable.
- b. Confirm approach for legal harmonization across agencies and alignment with applicable Somali legal hierarchy and the mandatory international reference instruments listed in Annex 1, including WTO Trade Facilitation Agreement Article 10.4, UN/CEFACT Recommendations 33 and 35, UNCITRAL Model Laws on Electronic Commerce and Electronic Signatures, WCO Revised Kyoto Convention principles, WCO SAFE Framework of Standards, and the AfCFTA Protocol on Trade Facilitation.
- c. Develop a legal document acquisition and review strategy, including collection and organization of all relevant federal and Federal Member State legal instruments relevant to NSW implementation.

3.2 Legal and Regulatory Diagnostic and Minimum Legal Domains Checklist

a. Review all existing primary and secondary legislation relevant to NSW operations, including customs, trade, standards, SPS, health, agriculture, livestock, fisheries, transport/logistics, taxation/fees, electronic transactions, cybersecurity, cybercrime, data governance, and public financial procedures.

b. The legal diagnostic shall, at minimum, assess the following legal domains. The Consultant shall not limit the diagnostic to these domains where additional laws, regulations, institutional mandates, or administrative instruments are found to affect NSW establishment, operation, enforceability, interoperability, financing, or phased implementation:

Minimum Legal Domains Checklist: For avoidance of doubt, the diagnostic shall expressly cover the following minimum domains: (i) electronic transactions and electronic signatures, including UNCITRAL alignment; (ii) customs law compatibility with Single Window, electronic declaration, advance lodgement, single submission, risk management, and mandatory agency participation principles; (iii) data protection, privacy, cybersecurity, cybercrime, and alignment with Somalia's Data Protection Act (2023) and UN/CEFACT Recommendation 35; (iv) sector-specific OGA permit, licensing, certification, inspection, SPS, standards, ports, immigration, and transport laws; (v) inter-agency data-sharing authority for coordinated risk management and secure interoperability; (vi) revenue, fee, taxation, appropriation, and public financial management laws; and (vii) federal and Federal Member State legal implications for national NSW implementation.

1. Electronic transactions and electronic signatures, including legal recognition of electronic records, admissibility of digital evidence, and alignment with the UNCITRAL Model Law on Electronic Commerce (1996) and UNCITRAL Model Law on Electronic Signatures (2001).
2. Customs legislation compatibility with Single Window principles, including single submission, advance lodgement, electronic declarations, coordinated border management, and mandatory agency participation, risk-based controls, post-clearance controls, and trade facilitation measures consistent with the WTO TFA, WCO Revised Kyoto Convention, WCO SAFE Framework of Standards, and applicable AfCFTA trade facilitation commitments.
3. Data protection, privacy, and cybersecurity frameworks, including alignment with Somalia's Data Protection Act (2023) and UN/CEFACT Recommendation 35 on legal frameworks for Single Windows, and applicable international good practice on lawful data exchange, confidentiality, data minimization, access control, audit trails, cybersecurity, and protection of commercially sensitive trader information.
4. Sector-specific permit, licensing, and certification laws applicable to Other Government Agencies (OGAs), including health, agriculture, fisheries, immigration, standards, ports, and transport authorities. The review shall determine whether each relevant law or regulation permits electronic submission, processing, approval, issuance, recognition, verification, and use of permits, licences, certificates, declarations, and other trade-related documents through the NSW, and shall identify any amendments required to enable single-submission acceptance and paperless processing.
5. Inter-agency data-sharing provisions, including legal authority for coordinated risk management, exchange of operational data, and secure interoperability.
6. Revenue, fees, taxation, appropriation, and public financial management laws, including the legal basis for NSW fee collection, fee-setting, waivers or exemptions, collection channels, retention, remittance, accounting, audit, reporting, Treasury treatment, reinvestment of revenues, and financial sustainability arrangements, including any constraints on earmarking or retaining NSW-related revenues.
7. Federal and sub-national legal considerations, including assessment of Federal Member State legal implications relevant to trade facilitation and digital government services.

c. Develop a detailed Legal Gap Matrix identifying:

i. conflicting provisions; ii. missing powers and obligations; iii. weak legal enforceability of electronic records/signatures; iv. institutional overlaps; and v. barriers to interoperability and paperless trade. vi. legal constraints on mandatory agency participation and single-submission processing; vii. restrictions or uncertainties affecting inter-agency data sharing, coordinated risk management, confidentiality, privacy, cybersecurity, and audit trails; and viii. constraints affecting NSW fee collection, revenue retention, remittance, and financial sustainability.

The Legal Gap Matrix shall also specify, for each identified gap, the affected law or instrument, responsible institution, nature of the required legal action, proposed remedy, level of priority, sequencing implications, and whether the issue should be addressed through the NSW Act, subsidiary regulations, amendments to sector-specific legislation, inter-agency protocols, service-level agreements, or transitional administrative measures.

d. Map legal implications of agency business processes (submission, approval, inspection, risk profiling, release, payment, post-clearance controls, appeals, audit trails, sanctions, and coordinated border management).

e. Assess the existing legal basis, if any, for risk-based trader segmentation, Authorized Economic Operator (AEO), trusted trader, or equivalent compliance-based facilitation arrangements. The assessment shall identify whether current customs, trade, tax, licensing, SPS, standards, and border-management laws provide sufficient authority to recognize compliant traders, grant differentiated service levels, apply expedited processing, conduct post-clearance controls, suspend or revoke benefits, and share relevant compliance information among agencies through the NSW.

f. Prepare a Legal Diagnostic Coverage Checklist, annexed to the Legal and Institutional Diagnostic Report, confirming each federal and Federal Member State law, regulation, policy, procedure, administrative instrument, institutional mandate, and sector-specific instrument reviewed, and mapping each instrument against the mandatory legal domains listed in this Section 3.2.

g. Prepare a Feasibility/Needs Assessment Gap Traceability Note identifying all legal and institutional issues previously flagged in the NSW feasibility/needs assessment and related prior studies, indicating whether each issue is addressed, partially addressed, or remains outstanding, and specifying the proposed legal remedy, responsible institution, and sequencing for resolution.

3.3 Institutional and Governance Model Options

a. Assess and recommend institutional model options for NSW governance and operations.

b. The consultant shall undertake a comparative assessment of, at minimum, the following governance models:

1. Standalone autonomous NSW authority model, established through statute with a clear mandate, legal personality where appropriate, governance structure, reporting obligations, financing arrangements, accountability mechanisms, and operational autonomy;

Somalia-specific standalone model definition: For purposes of this assessment, the standalone autonomous NSW authority model shall be analysed as a statutory public body or equivalent legal entity operating under Federal Government oversight, with clearly defined legal personality where appropriate, board or steering oversight, relationship to MoCI and Ministry of Finance/Customs, delegated operational powers, budget and staffing arrangements, service-delivery responsibilities, audit and reporting obligations, safeguards for inter-agency neutrality, and mechanisms for coordination with Federal Member States and participating OGAs.

2. Embedded institutional model within an existing government entity, including but not limited to MoCI, Customs, or another designated competent authority, with clear safeguards for inter-agency neutrality, whole-of-government participation, functional coordination, service standards, and avoidance of domination by a single agency mandate;
3. Public-Private Partnership (PPP), concession, managed-service operator model under government ownership, regulation, and oversight including analysis of legal authority, procurement/concession requirements, data ownership, cybersecurity obligations, fee/revenue arrangements, performance management, contract supervision, termination, step-in rights, and public accountability; and
4. Any phased or hybrid model considered appropriate for Somalia's context, including transitional arrangements under which an embedded model may be used during the initial implementation phase before moving toward a more autonomous or permanent governance structure.

c. The assessment shall include a scored comparative analysis against the following criteria:

- Institutional sustainability;
- Inter-agency neutrality and coordination effectiveness;
- Legal establishment requirements;
- Financing and revenue model compatibility;
- Administrative and technical capacity requirements;
- Accountability, transparency, audit, reporting, and oversight implications;
- Operational scalability and ability to support phased rollout across agencies, transaction types, border posts, and Federal Member States;
- Data governance, cybersecurity, confidentiality, and public control over trade-related data;
- Private sector confidence, user accountability, and service-delivery orientation; and
- Somalia-specific institutional and political feasibility.

d. The consultant shall assess institutional capacities required to operationalize each model and identify implementation risks associated with fragile and conflict-affected environments.

The assessment shall specifically determine whether the standalone authority model is institutionally realistic in Somalia's fragile-state context, including minimum readiness conditions, transitional hosting options, capacity-building needs, fiscal implications, political economy risks, and a phased pathway for moving from an interim embedded or hybrid arrangement to a permanent standalone model if recommended.

e. Propose governance architecture (Steering Committee, Technical Working Groups, Secretariat arrangements, private sector consultative interface) with decision rights, accountability lines, and dispute-resolution mechanisms.

f. Define legal provisions required to give effect to the recommended governance model, including provisions on designation of the competent authority or NSW operator; mandatory participation of designated agencies; agency service standards; digital workflow compliance, coordinated border management, and inter-agency data exchange; operational accountability; performance reporting; audit and oversight; dispute resolution; and transitional arrangements until the final NSW hosting and governance structure is confirmed.

3.4 Policy Paper and Drafting Instructions

a. Prepare a Legal-Policy Options Paper summarizing diagnostic findings, recommended legal architecture, comparative governance model analysis, preferred institutional model, financing and revenue model, mandatory use and transition approach and implementation justification.

b. The Legal-Policy Options Paper shall include a dedicated Financing and Revenue Model assessment covering:

1. Legal authority for collection of NSW user fees, charges, service fees, or other lawful cost-recovery mechanisms;
2. The legal basis for determining whether fees are established in the Act, subsidiary regulations, fee schedules, ministerial orders, or through a formula subject to regulatory approval;
3. Fee-setting principles, including transparency, proportionality, cost-recovery justification, affordability for users, avoidance of duplicative charges, and consultation with affected public agencies and private sector users;
4. Revenue management arrangements, including whether NSW-related revenues may be retained by the NSW operator for reinvestment, remitted to the Treasury, managed through a dedicated account, or treated under general public financial management rules;
5. Public financial management, accounting, audit, reporting, and oversight requirements applicable to NSW revenues and expenditures;
6. Government budget support requirements during initial implementation and adoption phases, particularly where transaction volumes are initially low or where full cost recovery would impose excessive costs on users;
7. The implications of each governance model, including autonomous authority, embedded government model, PPP, concession, or managed-service model, for fee collection, revenue ownership, financial accountability, and sustainability;
8. Comparative assessment of financing models, including:

- Full cost recovery through user fees;
- Hybrid/public subsidy model; and
- Full government-funded model.

c. The Paper shall provide a recommended financing approach appropriate to Somalia's institutional, fiscal, federal, private sector, and implementation context. The recommendation shall identify the preferred model, legal basis, required provisions in the NSW Act, required subsidiary instruments, transitional financing needs, safeguards for transparency and accountability, and any amendments required to existing public financial management or revenue laws.

d. Prepare detailed legislative drafting instructions approved by the Client prior to drafting the Bill.

e. The Legal-Policy Options Paper shall include a section on Mandatory Use and Transition Options. This section shall assess when and how use of the NSW should become mandatory for participating agencies and users, including phased adoption by agency, transaction type, border post, corridor, user category, and readiness level. It shall also assess the appropriate transition period during which paper-based and electronic processes may operate in parallel, the legal date or mechanism for ending paper submissions for covered transactions, exceptions for system outage or emergency circumstances, and the legal consequences of non-compliance by agencies or users.

f. The Legal-Policy Options Paper shall include a dedicated section on AEO/trusted trader legal options. This section shall assess whether and how the NSW Act should provide a statutory basis for an AEO, trusted trader, or equivalent risk-based facilitation regime, drawing on WCO SAFE Framework principles and Somalia's implementation context. The assessment shall cover eligibility criteria, accreditation, benefits, obligations, information-sharing, agency coordination, monitoring, suspension, revocation, appeals, and the relationship between the NSW operator, Customs, OGAs, and private sector users.

g. The Legal-Policy Options Paper shall include a dedicated gender and inclusion impact assessment of the proposed legal architecture, governance model, financing and fee model, mandatory use approach, transition arrangements, digital submission requirements, service standards, user obligations, and appeals mechanisms. The assessment shall identify differentiated impacts on women traders, small-scale traders, informal cross-border traders, and users with limited digital or financial access, and shall recommend mitigation measures such as phased implementation, simplified procedures, assisted digital access, fee waivers or exemptions where justified, targeted outreach, accessible complaints mechanisms, and user-support arrangements.

3.5 Drafting of the National Single Window Bill

a. Draft the NSW Bill with, at minimum, provisions on:

- Title/objects;
- Definitions;
- Scope and application;
- Designation of competent authority;
- Powers and functions;
- Mandatory participation of designated agencies;
- Legal effect of electronic records/signatures;
- Data submission and sharing obligations;
- Confidentiality, privacy, and cybersecurity safeguards;
- User obligations;
- Gender-responsive, inclusion-sensitive, and non-discriminatory user safeguards, including accessibility, user support, complaints, review, and appeals mechanisms for women traders, small-scale traders, informal traders, and users with limited digital access;
- Service fees and financing principles;
- Interoperability standards;
- Risk management and coordinated controls;
- Compliance monitoring and audit;
- Offences and penalties;
- Administrative appeals;
- Regulations-making powers;
- Transition and savings; and
- Commencement.

b. The NSW Bill shall additionally include provisions addressing:

1. A provision establishing the NSW platform as the single authorized channel for electronic submission of import, export, and transit data, and as the official and legally recognized electronic submission, processing, approval, notification, and information-exchange channel for designated permits, licences, certificates, inspections, releases, clearances, and other trade-related transactions, subject to the phased mandatory adoption schedule provided under the Act and subsidiary instruments;
2. Phased mandatory adoption arrangements, including legal mechanisms for designating participating agencies, transaction types, border posts, corridors, user groups, and effective dates for mandatory NSW use;
3. Transition arrangements defining the period during which paper-based and electronic processes may operate in parallel, the legal conditions for accepting paper submissions during the transition period, and the date or mechanism after which paper submissions shall no longer be accepted for transactions covered by the NSW;
4. Mandatory agency service standards, including maximum processing timelines and escalation mechanisms;
5. Compliance monitoring, audit, enforcement, corrective measures, and sanctions for non-compliance by participating agencies, operators, and users, subject to due process and applicable administrative appeal rights;

3.6 Drafting of Subsidiary Instruments and Implementation Protocols

- a. Prepare draft subsidiary regulations and/or ministerial instruments, schedules, directives, notices, or orders necessary for operationalization (as directed by the Client), including schedules of participating agencies, transaction types, documents, border posts, user groups, effective dates for mandatory use, transition periods, and paper-submission cut-off dates.
- b. Prepare model inter-agency legal instruments e.g., MoUs/data-sharing protocols/SLA templates, coordinated risk-management protocols, and AEO/trusted trader coordination arrangements, to support practical implementation pending full digital-law harmonization.
- c. The subsidiary instruments package shall include either draft AEO/trusted trader regulations or, where full regulations are not yet feasible, a guidelines/placeholder enabling instrument setting out the legal pathway, institutional responsibilities, sequencing, and minimum regulatory content required to establish an AEO/trusted trader regime in a later phase.

3.7 Stakeholder Consultation, Validation, and Revision

- a. Design and facilitate consultations with relevant MDAs, legal institutions, private sector organizations (including chambers, brokers, freight forwarders, sector exporters/importers), and development partners. Consultations shall specifically test the proposed financing and fee model, fee-setting principles, mandatory use schedule, transition timelines, agency service standards, trader obligations, proposed AEO/trusted trader provisions (including eligibility, benefits, obligations, service standards, compliance requirements, suspension/revocation safeguards, and practical incentives for compliant

traders) and exceptions for system outages or transitional circumstances with relevant public agencies, private sector users, and Federal Member State representatives. The consultation programme shall include, in addition to the technical, policy, and high-level validation workshops: (i) at least one dedicated private sector consultation session with representative trader associations, chambers, customs brokers, freight forwarders, logistics operators, importers, exporters, women trader groups, small-scale traders, and relevant sector associations; (ii) at least one Federal Member State engagement session, or equivalent structured FMS consultation mechanism, to test the federal applicability, implementation arrangements, and institutional implications of the NSW Act; and (iii) targeted consultation on gender and inclusion impacts of mandatory use, fees, digital access, service standards, and appeals mechanisms.

- b. Conduct at least three structured validation workshops (technical, policy, and high-level), record all comments, and provide a formal comment-resolution matrix.

Following circulation of Draft NSW Bill Version 1, the Consultant shall support a written public comment period of at least ten working days, unless otherwise agreed by the Client, and shall include in the Consultation and Validation Report a summary of written comments received, responses provided, and how comments were accepted, partially accepted, or rejected.

- c. Revise all legal drafts based on validated inputs and Client direction.

3.8 Enactment and Transition Support

- a. Prepare a Legislative Process Support Pack (briefing notes, presentation deck, issue notes, response matrix) for submission to inter-ministerial and parliamentary processes.

Prepare a Parliamentary Submission and Enactment Timeline setting out the expected steps, responsible institutions, indicative dates, and dependencies for legal clearance, inter-ministerial review, Attorney General or equivalent legal review, Cabinet consideration, parliamentary submission, committee review, stakeholder briefings, response to parliamentary comments, enactment, commencement, and publication.

Arrange and document an independent peer review of the Draft NSW Bill and key subsidiary instruments prior to final submission for parliamentary processing. The peer review shall be conducted by a qualified legal drafting, trade facilitation, customs, digital law, or NSW specialist not responsible for preparing the draft, and the Consultant shall prepare a peer-review response matrix showing how peer-review comments were addressed.

- b. Prepare a Legal Implementation Roadmap showing immediate, medium-term, and long-term actions, dependencies, responsible institutions, and sequencing aligned with NSW rollout.

3.9 Capacity Building and Knowledge Transfer

- a. Deliver targeted orientation sessions for designated government legal and technical counterparts on interpretation and implementation of the draft Act and subsidiary instruments.
- b. Submit editable legal drafting files and a final handover package with all source documents.

4. Key Principles and Standards

- Government ownership and broad inter-agency buy-in.
- Legal clarity, enforceability, and constitutional compatibility.
- Practical implementability in a phased NSW rollout.
- Proportionality and risk-based controls.
- Transparency, accountability, and user-centric service design.
- Interoperability and secure data exchange.
- Inclusion of private sector consultation and feedback loops.
- Alignment with World Bank-supported trade facilitation objectives and relevant international good practice, including the WTO TFA, UN/CEFACT Recommendations 33 and 35, UNCITRAL Model Laws, WCO Revised Kyoto Convention, WCO SAFE Framework of Standards, and AfCFTA Trade Facilitation Protocol.
- Gender-responsive and inclusion-sensitive legal design, including equitable access to NSW services and avoidance of disproportionate burdens arising from fees, mandatory digital submission, transition timelines, or compliance requirements.

5. Deliverables and Timeline (Indicative: 30 Weeks)

No.	Deliverable Title	Details	Timeline (Weeks from Contract Signature)	Payment (%)
1	Inception Report	Final methodology, work plan, stakeholder map, consultation and QA plan, risk register, and detailed schedule.	2	10%
2	Legal & Institutional Diagnostic Report	Comprehensive legal review covering the mandatory legal domains under Section 3.2; Legal Instruments Inventory and Diagnostic Coverage Checklist; Legal Gap Matrix; Feasibility/Needs Assessment Gap Traceability Note; gender and inclusion impact screening of legal, procedural, financial, and digital-access barriers; institutional mandate mapping; and preliminary reform priorities.	8	15%
3	Legal-Policy Options Paper	Recommended legal architecture, governance model options, Somalia-specific standalone authority model assessment, dedicated Financing and Revenue Model assessment, Mandatory Use and Transition Options section, gender and inclusion impact assessment, recommended financing approach, recommended phased mandatory adoption approach, and approved drafting instructions.	12	15%
4	Draft NSW Bill Package (Version 1)	First full draft NSW Bill, Explanatory Memorandum, clause-by-clause commentary, and draft provisions addressing mandatory use, transition, AEO/trusted trader, gender-responsive safeguards, parliamentary submission requirements, and peer-review readiness.	18	20%

5	Stakeholder Consultation including the FMS & Validation Report + Drafts (Version 2)	Workshops completed, including technical, policy, high-level, dedicated private sector, gender/inclusion, and Federal Member State consultations; written public comment period completed; comment-resolution matrix; revised Bill and draft subsidiary instruments.	24	15%
6	Final NSW Legal Package	Final Bill, final subsidiary instruments/templates, including any fee regulations, fee schedules, mandatory use schedules, transition notices, SLA templates, data-sharing protocols, and implementation instruments; independent peer review report and response matrix; parliamentary submission and enactment timeline; implementation legal roadmap; legislative support pack; and capacity-building materials.	28	20%
7	Final Assignment Completion Report	Consolidated final report, handover files, post-submission advisory note, and summary of remaining legal, parliamentary, institutional, gender/inclusion, and implementation follow-up actions.	30	5%

6. Ideal Firm(s) Profile and Key Experts

6.1 Firm Profile

- a. Minimum 10 years of demonstrated experience in public law reform, trade facilitation law, customs/trade governance, and institutional legal drafting.
- b. Proven track record in drafting primary and secondary legislation for NSW, customs modernization, digital government, or equivalent reforms in low-capacity and/or fragile contexts.
- c. Demonstrated experience in managing multi-stakeholder legal consultations and delivering enactment-ready legal packages for government clients.
- d. Strong quality assurance systems, legal drafting standards, and ability to deliver within tight timelines.
- e. Experience working on World Bank–financed or comparable international development assignments is an advantage.
- f. Demonstrated capacity to integrate gender-responsive, inclusion-sensitive, and user-centered analysis into legal, institutional, digital government, trade facilitation, or public service reform assignments, including through a dedicated Gender and Inclusion Specialist or equivalent expert capacity.

6.2 Key Experts

6.2 Key Experts and Minimum Qualification Requirements

1) Team Leader / Senior Legislative Drafter

- a. Masters of Laws (LLM/JD or equivalent) in legislative drafting, public law, international trade law, commercial law, or related field. Formal certification/training in legislative drafting; admission to practice law in at least one jurisdiction.
- b. At least 10 years of relevant professional experience in legislative drafting and public law reform.

- c. Led at least 3 comparable assignments involving drafting/reform of primary legislation or major regulations in trade facilitation, customs modernization, digital governance, or e-government.
- d. Demonstrated experience producing full legislative packages (draft bill, explanatory memorandum, clause-by-clause commentary, and subsidiary instrument framework).

2) Trade Facilitation and Customs Law Expert

- a. Masters in relevant field such as customs law, international trade law, tax law, or trade facilitation/public policy.
- b. At least 10 years of relevant professional experience in customs and trade facilitation legal reform.
- c. Practical experience in legal and regulatory reform for customs and border management systems.
- d. Demonstrated track record in at least 3 assignments covering one or more of: border agency coordination, risk management frameworks, compliance/enforcement regimes, pre-arrival processing, post-clearance controls, coordinated border management.
- e. Working knowledge of legal requirements aligned with WTO TFA implementation and border process simplification.
- f. Experience drafting legal provisions that support integrated permit/certificate workflows and agency coordination.

3) Digital Law, Data Governance, and Cybersecurity Expert

- a. Masters in a relevant field: Law, ICT Law, Cyber Law, Digital Policy, or closely related field.
- b. Desirable: Postgraduate qualification in technology law, cybersecurity law, data protection/privacy, or digital governance.
- c. At least 10 years of relevant professional experience in digital law, technology law, data governance, cybersecurity law, electronic transactions, electronic signatures, digital identity, privacy/data protection, or related legal and regulatory reform.
- d. Demonstrated experience in legal frameworks for electronic transactions, electronic signatures, digital identity/trust services, admissibility of electronic records, and digital evidence, digital service governance, data sharing, and interoperability. Prior experience in developing or reviewing e-transactions or e-signatures legislation shall be required.
- e. Experience in drafting or reviewing legal provisions on data governance, data sharing, confidentiality, privacy, cybersecurity obligations, and incident-response obligations.
- f. Familiarity with UNCITRAL-aligned legal principles (technology neutrality, functional equivalence, non-discrimination of electronic records) and their domestic legal translation.

4) Institutional Governance and Public Administration Expert

- a. Degree in Public Administration, Law, Governance, Political Science, Economics, or related field.
- b. At least 8 years of relevant experience in public institutional reform and governance design, including experience integrating gender, inclusion, user-accessibility, or citizen/business service-delivery considerations into institutional reform or digital government programmes.
- c. Demonstrated experience designing statutory institutional arrangements, mandate delineation, and accountability frameworks.

- d. Experience in at least 2 assignments involving inter-agency governance mechanisms, coordination protocols, service standards, and performance oversight frameworks.
- e. Proven ability to develop implementation-oriented institutional models (e.g., steering structures, technical committees, secretariat arrangements).
- f. Experience preparing role clarity and decision-rights frameworks for multi-agency government systems, including accountability arrangements, service standards, grievance/complaints mechanisms, and user-access provisions that address the needs of women traders, small-scale traders, informal traders, and users with limited digital access.
- g. Responsible, in coordination with the National Legal Expert and other team members, for ensuring that the NSW governance model, fee model, mandatory use provisions, transition arrangements, and service standards are assessed from a gender and inclusion perspective.

5) National Legal Expert (Somali)

- a. Degree in Law and valid professional legal standing/licensing in Somalia.
- b. At least 6 years of relevant legal practice in Somalia.
- c. Direct experience in Somali legislative practice, legal drafting conventions, and Government legal review/approval processes.
- d. Demonstrated understanding of Somalia's federal legal architecture and institutional mandates relevant to trade and public administration.
- e. Experience supporting legal translation/adaptation into context-appropriate drafting and legislative process support.

6) Gender and Inclusion Specialist

- a. Advanced degree in gender studies, development studies, social inclusion, public policy, law, economics, trade facilitation, or a related field.
- b. At least 7 years of relevant professional experience in gender and inclusion analysis, preferably in trade facilitation, private sector development, digital government, public service delivery, legal reform, or institutional reform programmes.
- c. Demonstrated experience assessing gender-differentiated and inclusion impacts of laws, regulations, fees, digital services, mandatory compliance requirements, or public service reforms.
- d. Experience designing practical mitigation measures for women traders, small-scale traders, informal cross-border traders, low-literacy users, users with limited digital or financial access, and other potentially disadvantaged groups.
- e. Responsible for preparing the gender and inclusion impact assessment, supporting consultations with women trader groups and other affected users, advising on gender-responsive legal safeguards, and ensuring that the financing model, mandatory use provisions, transition arrangements, service standards, complaints mechanisms, and user-support measures are inclusion-sensitive and implementable in Somalia's context.

7. Reporting Arrangements and Institutional Coordination

The assignment shall be managed by the Ministry of Commerce and Industry (MoCI). The Consultant Firm shall be accountable to the Director General of MoCI, who shall provide overall strategic direction and oversight for the assignment.

For day-to-day management, the Consultant Firm shall coordinate through the designated NSW Project Focal Point at MoCI, supported by the DRIVE/MoCI Focal Point and Trade Advisor as applicable. The NSW Project Focal Point shall serve as the primary contact for operational coordination, scheduling of meetings, facilitation of stakeholder engagement, circulation of draft deliverables, consolidation of comments, and follow-up on administrative matters.

All formal deliverables shall be submitted to the Director General of MoCI through the NSW Project Focal Point. MoCI shall coordinate the review of deliverables with the DRIVE Project Implementation Unit, the World Bank, the NSW/NTFC Steering Committee, and other relevant institutions, as appropriate.

MoCI shall also coordinate, through the agreed project channels, the independent peer review process, clearance of the peer-review response matrix, and preparation of the parliamentary submission and enactment timeline.

Given the whole-of-government nature of the National Single Window reform, the Consultant Firm shall maintain structured technical coordination, through MoCI, with the Ministry of Finance/Customs, the NTFC Secretariat, the NSW/NTFC Steering Committee, relevant MDAs and OGAs, Federal Member State representatives where applicable, and private sector stakeholders. Relevant agencies may include, among others, MoLFR, SOBS/SNBS, the Central Bank of Somalia, port and transport authorities, immigration authorities, SPS agencies, standards bodies, and other institutions involved in import, export, transit, licensing, certification, inspection, payment, and clearance processes.

The firm is required to provide bi-weekly progress reports, highlighting achievements, challenges, and any critical issues needing attention. Coordination with the Project Implementation Unit (PIU) of the DRIVE project, the beneficiary agencies, SOBS, MLFR, Central Bank and the World Bank is essential, while ensuring inputs from relevant ministries and agencies are integrated.

Annex 1: Mandatory International Reference Instruments and Standards

The Consultant shall use, at minimum, the following instruments and standards as mandatory reference frameworks for the legal diagnostic, policy options paper, legislative drafting instructions, draft NSW Bill, subsidiary instruments, and implementation roadmap:

1. WTO Trade Facilitation Agreement, including Article 10.4 on Single Window, as the primary multilateral reference for establishment and operation of a National Single Window.
2. UN/CEFACT Recommendation 33 on establishing a Single Window, including the definition, scope, and operational principles of a Single Window environment.

3. UN/CEFACT Recommendation 35 on establishing the legal framework for an international trade Single Window, including legal issues relating to electronic records, data sharing, confidentiality, liability, access rights, and inter-agency cooperation.
4. UNCITRAL Model Law on Electronic Commerce (1996), including principles of functional equivalence, non-discrimination of electronic records, and legal recognition of electronic communications.
5. UNCITRAL Model Law on Electronic Signatures (2001), including principles relevant to the legal recognition, reliability, and evidentiary use of electronic signatures.
6. WCO Revised Kyoto Convention principles, including customs modernization, simplification and harmonization of procedures, maximum use of information technology, advance lodgement of information, risk management, and post-clearance controls.
7. WCO SAFE Framework of Standards, including coordinated border management, risk-based controls, supply-chain security, and Authorized Economic Operator/trusted trader concepts.
8. African Continental Free Trade Area AfCFTA Trade Facilitation Protocol and relevant AfCFTA trade facilitation instruments, including relevant commitments on simplification, harmonization, transparency, cooperation, and cross-border trade facilitation.

The Consultant shall include in the Legal and Institutional Diagnostic Report an International Reference Standards Compliance Matrix showing how the proposed NSW Act and subsidiary instruments align with each mandatory reference instrument, including the AfCFTA Trade Facilitation Protocol, and identifying any areas where full alignment is not immediately feasible due to Somalia's current legal, institutional, technical, fiscal, or federal context.