



## **Terms of Reference**

### **Trade Law Advisor – Ministry of Commerce and Industry**

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|-----------------------------|------------------------------------------------------------------------------------------|
| <b>Type of appointment:</b> | Consultant                                                                               |
| <b>Project:</b>             | De-risking, Inclusion and Value Enhancement of Pastoral Economies Project (DRIVE-176517) |
| <b>Duration:</b>            | 12 months                                                                                |
| <b>Duty Station:</b>        | Mogadishu, Somalia, with some travel as required by the project, upon request.           |

#### **Introduction**

The Ministry of Commerce and Industry of Somali is the government institution mandated to enhance the country's trade and industry. It plays a vital role in fostering economic growth and development within the country. The ministry works to create an enabling business environment that attracts investors and promotes domestic and international trade. One of the main objectives of the ministry is to facilitate trade by implementing policies and regulations that simplify procedures and reduce barriers. This involves working with other government agencies, such as customs and taxation authorities, streamline import and export processes, improve trade facilitation, and ensure compliance with international trade laws and standards.

#### **Project Background:**

The Ministry of Commerce and Industry is currently a key beneficiary of a World Bank (WB)-financed investment lending project. The De-Risking, Inclusion, and Value Enhancement of Pastoral Economies in the Horn of Africa Project (DRIVE) aims to cushion pastoralists in Djibouti, Ethiopia, Kenya, and Somalia from the impacts of drought and better connect them to markets. DRIVE aims to protect pastoralists against drought shocks by using a package of financial services including drought insurance, payment, savings, and possibly credit, and to better connect pastoralists to markets by upgrading livestock value chains and facilitating regional livestock trade. This project is regional, and Djibouti, Ethiopia, Kenya, and Somalia are expected to participate. The development objective is to enhance de-risking, financial inclusion, and value addition of pastoral economies in the HoA.

The Ministry would like to engage a trade law advisor to advise on all business policies and legal matters in advancing various pieces of legislation through the drafting and approval process. The

Trade Law Advisor will provide business policies and legal advice to the Senior Management of the Ministry and Departments. These will involve the protocols and agreements signed by the Ministry leadership and will work their process of ratification and endorsement about bilateral and multilateral trade agreements.

The general function of the adviser will be to help the government mainstream trade policy and trade facilitation into the Somali development framework and to aid on matters of planning, formulation, and implementation of policies and legislation on trade related- and industry-related issues. Additional functions include building and aligning Somalia's trade legal framework with EAC and WTO requirements; HOA and operationalizing a National Single Window; and facilitating compliant, inclusive cross-border trade in the Horn context

### **Roles and responsibilities:**

The specific roles and responsibilities of the Trade Law Advisor/Consultant will include the following:

- Support the Ministry of Commerce and Industry in implementing its trade policies and legal frameworks regarding the Trade Facilitation Agenda.
- The consultant will lead the process of formulating, drafting, reviewing, commenting, amending, and translating the laws, policies, and procedures that are mandatory for the Ministry of Commerce and Industry.
- The consultant will review Somali's existing and anticipated bilateral, regional, and multilateral trade policy commitments (particularly under EAC, COMESA, AfCFTA, Horn of Africa, and in the WTO context) to determine the policy space, legal framework needed.
- Examines the level of bilateral trade, including border trade and regional and international integration, and provides recommendations on how to enhance the process in line with the level of development and key policies and regulations of the country. Overview the Simplified Trade Regime and their implementation between Somalia and Kenya and the other borders.
- Assess and provide legal advice on existing market access arrangements, including the capacity of domestic trade to meet the demands of preferential market access and ongoing trade negotiations, and recommend the best strategy to ensure optimum use of market access opportunities.
- Provides regular legal advice to the Ministry's senior officials to reduce legal gaps and oversee regulations relating to commercial trading in livestock.
- The consultant will examine the legal documents for trade of Somali trade-related policies, laws, regulations, and practices and provide recommendations as appropriate. Specifically, the consultant will expedite export protocol agreements for Livestock Products with key existing and potential markets.
- The consultant/adviser will contribute to the development and revision of the National Trade Policy document and to the implementation of the strategy process.
- Advise on policies and legislation to establish favorable business environments that facilitate private sector development, including improving Somalia's standing on Doing Business.

- Review and analyze legal documents to determine contractual obligations and ensure that such documents clearly identify the terms of agreements between parties and minimize legal risks to the Ministry.
- Spearhead the review, update, and development of the National Trade Facilitation Committees, the National Monitoring Committees, Standards, Phyto-Sanitary and Sanitary Regulations, Intellectual Property Law, Trademark Law, Licensing Law, Competition Law, and other key laws important to trade and investment.
- Facilitate and coordinate any assessments relating to the effectiveness of the current institutional arrangements for reform at MoCI, as well as support any proposal for institutional mechanisms that promote a sustainable regulatory reform capacity at MoCI or the FGS level.
- The consultant will work closely with the chief negotiator to provide legal advice on accelerating WTO accession and any other regional and global trade bodies.
- Coordinate with lawmakers to speed up the endorsement process of bills/acts necessary for trade and trade facilitation, including but not limited to the Rules of Origin Law.
- Implement the COMESA STR or STR equivalent at HOA border of Somalia with other regulations on minimum standards on the treatment of small scale cross border traders.
- Prepare Bilateral Agreements/Protocols establishing lists of common goods covered by the simplification measures (STR).

## **Deliverables**

The key deliverables expected from the Trade Law Advisor include:

- Monthly progress reports detailing all activities conducted, legal advice provided, laws and regulations drafted/reviewed, meetings attended, capacity building delivered etc.
- Drafts of new or amended laws, regulations, policies and legal documents related to trade and private sector development as identified in the responsibilities. Specifically, draft legislation expedited would include Rules of Origin Law and export protocols for livestock products.
- Assessment reports with recommendations to enhance bilateral, regional and multilateral trade related to livestock products and private sector growth.
- National Trade Policy document updated to integrate livestock trade priorities and private sector growth plans.
- Assessment report of institutional capacity gaps at MOCI and proposals for sustainable regulatory reform mechanisms.
- Legal review of existing trade arrangements and advise on amendments required to meet export market demand for livestock products.
- Contractual templates that minimize legal risks for public-private engagements in the livestock products value chain.
- Progress reports and documentation of all capacity building and training delivered.

- Advisory notes, minutes of meetings and other evidence of regular legal advice provided to senior management at MOCI.
- Draft of Bilateral agreements/ Protocols, STR and formalization of small border trade.

## **Qualifications and Experience**

- Master's degree in law, International Trade Law, Commercial Law, International Economic Law, or a related field.
- Minimum 10 years of professional experience practicing law with a focus on international trade law, commercial and business law in Somalia or in comparable contexts.
- Demonstrated experience drafting legislation, statutory instruments, and regulatory frameworks on international trade, commerce, and economic integration.
- Strong knowledge of regional and international trade laws, regulations, and agreements (EAC, COMESA, WTO, HoA, AfCFTA, etc.), including experience with customs modernization, rules of origin, SPS/TBT compliance, and trade facilitation.
- Proven track record of providing high-level legal and policy advisory services to public sector institutions on private sector regulations, reforms, and integration of value chains into regional/global markets.
- Familiarity with Horn of Africa regional trade corridors, port and land-border processes, and cross-border trade facilitation.
- Experience linking trade with broader development priorities, including MSME integration, women's economic empowerment, climate-trade interfaces, and regional value chain development.
- Strong analytical skills, including the ability to assess legal and regulatory frameworks and interpret trade data for sequencing reforms.
- Excellent research, drafting, and communication skills in English and Somali, with a high level of report-writing and legal-writing ability.
- Strong presentation, facilitation, and stakeholder engagement skills, with demonstrated experience coordinating across ministries, the private sector, and development partners.
- Ability to work effectively both independently and within interdisciplinary teams

## **Somalia-Specific Technical Expertise**

- National Single Window (NSW)
  - Experience in Legal architecture for NSW: data-sharing, privacy, and access provisions; inter-agency MOUs; border agency coordination consistent with WTO TFA (esp. Articles 1, 8, 10); and alignment with any ongoing government assessments and implementation plans.
  - Experience drafting or reviewing customs, port, SPS, and standards legislation to enable single submission/decision, risk management, and electronic processes. Awareness of good practice from comparator countries helpful.
- EAC accession and implementation

- Practical knowledge of EAC legal acquis: Customs Management Act, CET, Harmonized Commodity Coding, mutual recognition, competition policy, and Common Market Protocol obligations and timelines; ability to draft/align national laws and regulations and prepare schedules/roadmaps for phased adoption.
- Rules of Origin (RoO): hands-on experience applying and administering EAC RoO, advising on product-specific rules, certification and verification procedures, and preventing trade deflection; capacity-building for customs and private sector on RoO compliance.
- WTO accession and implementation readiness
  - Familiarity with WTO agreements relevant to customs and market access (GATT, TFA, CVA, SPS/TBT, import licensing, trade remedies), plus documentation and legislative gap analysis for accession/implementation; experience preparing replies to Working Party questions and drafting action plans.
- Horn of Africa border and cross-border trade
  - Understanding of the Horn's corridor/border realities (infrastructure and policy bottlenecks, NTBs, ad hoc measures, gendered constraints) to ensure NSW/EAC/WTO reforms are practical and inclusive; experience working with border agencies and small-scale traders, including women traders
- Sectoral depth where Somalia has immediate stakes: livestock and animal health/SPS, fisheries, agro-processing; port and corridor facilitation; standards and quality infrastructure for market access.
- Experience with simplified trade regimes and small-scale cross-border trade formalization in the region.
- Familiarity with digital trade enablers (e-invoicing, e-payments) and e-government frameworks relevant to NSW integration

### **Skills and competencies:**

- Analytical, observational, organizational, and networking skills
- Knowledge of substantive law and legal procedures in Somalia as well as familiarity with international principles.
- Experience in legal research and analysis in complex areas of law
- Experience in contract drafting and negotiation.
- Good knowledge of international business, trade, and development regulations and protocols.
- People management.
- Report writing and presentation skills.
- Strong communication skills.
- Ability to see and manage risks and consequences.
- Functions effectively in a team of professionals.
- Teamwork

**Reporting**

The Trade Law Advisor will report to the Director General of the Ministry of Commerce and Industry and will work closely with the other project consultants and beneficiary institutions, the Project Implementation Unit and the World Bank technical teams.

**Duration**

The duration of the assignment is initially for a period of 12 months with possible extension based on performance and availability of funding. Payments will be based on actual deliverables supported by monthly filed and approved reports.