

TERMS OF REFERENCE
National Consultant on Agricultural Import and Export Legislations
Package No. MoIC/IC-20

Contracting Authority: Department of Planning and Finance, Ministry of Agriculture and Forestry (MAF)
Location: Based in Vientiane at the Department of Trade Promotion and the Department of Import – Export of the Ministry of Industry and Commerce.

INTRODUCTION

The Government of the Lao People’s Democratic Republic (GoL) received a US\$ 25 million credit from World Bank to implement the Agriculture Competiveness Project (ACP). The project development objective is to enhance the competitiveness of selected agricultural value chains in the project areas. The project will be implemented over 6 years from 2018 to 2024 in five project provinces, including Khammouane, Bolikhamxay, Xayabouly, Vientiane Province, and Vientiane Capital. The project implementation is led by the Department of Planning and Finance (DPF) of the Ministry of Agriculture and Forestry (MAF), and its implementing agencies include technical departments of MAF, technical department of the Ministry of Industry and Commerce (MOIC), Provincial Agriculture and Forestry Offices (PAFO), Provincial Industry and Commerce Office (PICO) in the five project provinces. The project has four components: (a) Improved Agricultural Efficiency and Sustainability, (b) Enhanced Agricultural Competitiveness, (c) Project Management, and (d) Contingent Emergency Response:

Component A - Improved Agricultural Efficiency and Sustainability (est. US\$ 18.2 million, of which International Development Association (IDA) would finance around US\$ 16.3 million). This component will support: (a) the increased adoption of improved varieties and high-quality seeds, (b) the increased application of good agricultural practices, (c) the provision of critical productive infrastructure, and (d) the strengthening of public services delivery.

Subcomponent A1: Promoting Adoption of Good Varieties and Quality Seeds (estimated US\$2.5 million, of which IDA would finance around US\$2.3 million)

This subcomponent will support activities to promote the adoption of good varieties and quality seeds, including the provision of (a) technical assistance (TA) for the establishment of seed multiplication groups (SMGs) and building their capacity to adopt good varieties and quality seeds (including ones resistant to climate variability such as floods and drought) ; (b) Matching Grants to selected SMGs to carry out Sub-projects (i.e., small works, goods, equipment, and so on) for improving the production and postharvest handling, packaging, and storage of quality seeds; (c) technical and material assistance (i.e., small works, goods, equipment, training, and so on) to build the capacity of Provincial Agriculture and Forestry Offices (PAFOs), District Agricultural and Forestry Offices (DAFOs), MAF technical departments, and research institutions to conduct training for SMGs and to carry out seed quality monitoring and certification; and (d) TA to link SMGs with Farmer Production Groups (FPGs) and agribusinesses in marketing certified seeds.

Subcomponent A2: Promoting Good Agricultural Practices (estimated US\$7.4 million, of which IDA would finance around US\$6.2 million)

This subcomponent will support activities to promote GAP , including the provision of (a) TA for the establishment of FPGs and building their capacity to adopt GAP; (b) Matching Grants to

selected FPGs to carry out Sub-projects that implement GAP; (c) TA and material assistance (i.e., small works, goods, equipment, training, and so on) to build the capacity of PAFOs, DAFOs, and MAF technical departments to conduct training for FPGs on GAP and to carry out related extension and certification activities including soil analysis, organic fertilizer production, and organic farming; and (d) TA to link FPGs with agribusinesses in marketing farm produce.

Subcomponent A3: Providing Critical Productive Infrastructure (estimated US\$6.2 million, of which IDA would finance around US\$5.7 million)

This subcomponent will support activities to improve critical irrigation infrastructure and water use practices, including (a) rehabilitation of selected irrigation schemes and (b) provision of TA to establish water user groups and to build their capacity to adopt improved water use models. Through improving water use, management, and productivity of existing irrigation schemes, it is expected to enhance their resilience to impacts of climate change.

Subcomponent A4: Strengthening Public Services Delivery (estimated US\$2.1 million, of which IDA would finance US\$2.1 million)

This subcomponent supports activities to strengthen agricultural and nutrition service delivery, including the provision of technical and material assistance (i.e., small works, goods, equipment, training, and so on) to (a) improve the overall extension service capacity of the PAFOs, DAFOs, and MAF technical departments to deliver better quality services to farmers to promote GAP adoption and enhance resilience to climate change; (b) develop and implement mapping and demarcation pilots for agricultural land in irrigated areas; and (c) conduct studies on integrated farming systems and diversification for nutrition, and carry out social behavioral change communication (SBCC) activities related to dietary diversity, adequate care practices, and processing and cooking for improved nutrition.

Component B - Enhanced Agricultural Commercialization (est. US\$ 7.2 million, of which IDA would finance around US\$ 4.8 million). The project will support: (a) establishing an Agriculture Value Chain Facility (AVCF), (b) measures to better link farmers to markets, and (c) studies to improve the enabling environment for agro-enterprise and value chain development.

Subcomponent B1: Establishing an Agricultural Value Chain Facility (estimated US\$5.3 million, of which IDA would finance around US\$2.9 million)

This subcomponent will support the establishment and operation of an AVCF for the purpose of extending technical and financial services to agribusinesses, including the provision of (a) TA to establish and operate the facility and provide advisory and Subproject implementation support to agribusinesses; and (b) Matching Grants to selected agribusinesses to carry out Subprojects for upgrading their processing and postharvest handling facilities and their management capacities to improve product quality, increase operational efficiency (including improved energy efficiency), reduce physical losses, and link with FPGs to improve marketing of the farm produce.

Some 30 ABs operating in rice, maize, and vegetables will be selected and provided with matching grants. Sizes of the matching grants (50% of total cost) range from around US\$25,000 for a vegetable AB to around US\$ 125,000 for a rice AB. The total matching grants for ABs under the project will be around \$2.9 million. The eligible items that will be financed by ACVF include: goods, consulting services and civil works, as defined by Project Operation Manual (POM).

The AVCF will be supervised, on behalf of the Government, by a National Food Security Committee Secretariat, with majority of Government representatives, but also including private-

sector representation. This committee will approve work plans, and review progress reports of the AVCF. An independent management entity (the consulting firm) is selected to be the “AVCF Management Team”. The AVCF Management Team will report on a day-to-day basis to the DPF. The business cycle of AVCF will consist of two stages:

Preparation phase:

- (1) Call for business proposals and assist interested ABs in preparing and submitted business proposals.
- (2) Assist the selected ABs whose business proposals are accepted to develop and submit the full business plans.

Implementation phase:

- (3) Provide technical advice to assist selected ABs in implement the approved business plans.
- (4) Monitoring the progress and evaluate the results

Subcomponent B2: Linking Farmers to Markets (estimated US\$1.4 million, of which IDA would finance US\$1.4 million)

This subcomponent will support activities designed to link farmers to markets, including the provision of TA to (a) strengthen the horizontal links of farmers within FPGs for implementing procurement, marketing, and other collective actions, and the vertical links of FPGs and agribusinesses in productive partnerships to undertake further processing and marketing of the produce; and (b) develop an improved agriculture market information system to provide reliable market information for productive partnerships. Through strengthening the market linkages, it is expected to make farmers more resilient to climate change.

Subcomponent B3: Improving the Enabling Environment (estimated US\$0.5 million, of which IDA would finance US\$0.5 million)

This subcomponent will support activities by MAF technical departments, MOIC and other relevant agencies to improve the enabling legal, policy and institutional environment for supporting agribusiness investment and agricultural trade policies, including the development of improved sanitary and phytosanitary standards, rice standards and rice export policies, and improved import and export legislation focusing on agriculture inputs and farm machinery

Component C - Project Management (est. US\$ 2.9 million, of which IDA would finance US\$ 2.9 million). The component will support (a) project management; and (b) monitoring and evaluation.

Subcomponent C1: Project Management (estimated US\$2.4 million, of which IDA would finance US\$2.4 million)

This subcomponent will support the day-to-day implementation, coordination, and management of project activities including planning and execution, financial management (FM), procurement, internal and external audits, and environmental and social safeguards management.

Subcomponent C2: Monitoring and Evaluation (estimated US\$0.5 million, of which IDA would finance US\$0.5 million)

This subcomponent will support the day-to-day monitoring, reporting, and evaluation of project activities.

Component D: Contingent Emergency Response (US\$0 million)

This component with a provisional allocation of zero dollars is included under the project in accordance with OP10.00, paragraphs 12 and 13, for projects in situations of urgent need of assistance or capacity constraints. This will allow for rapid allocation of project proceeds in the event of the Government declaring that a crisis or emergency has occurred and the World Bank Group agreeing with such determination. This component would finance public and private sector expenditures on a positive list of goods and/or specific works, goods, services, and emergency operation costs required for emergency recovery. An Emergency Response Manual (ERM) will apply to this component, detailing FM, procurement, safeguards, and any other necessary implementation arrangements

The project is seeking to recruit a national consultant to provide technical assistance and support to the Department of Import and Export of MOIC on import and export regulations.

Objectives of the assignment

The objective the assignment is to assist DIMEX (MOIC) and MAF technical departments in reviewing import and export regulations for agricultural inputs. The consultant will contribute and achieve policy document targets defined in the project result framework: policy documents on legislation or regulations for (i) fertilizer and (ii) agricultural machinery, (iii) rice export strategy submitted to MoIC and MAF. This assignment will be conducted in conjunction with the international consultant in charge of supporting the Department of Trade Promotion (DOTP-MOIC) in reviewing and developing rice trade strategy.

Scope of the assignment

- Review existing policies, legislations, regulations and procedures on import of agricultural inputs and agricultural machinery and on export of rice.
- Provide cost and benefit analysis of the above policies, regulations and procedures to increase a deep understanding of policy, legislative and regulatory consequences.
- Engage the relevant stakeholders both private and public in consultations on the current framework above.
- Propose key improvements in the current legal framework to facilitate imports of agricultural inputs, especially for fertilizers and machinery (including farm tractors).
- Assist the international expert to prepare an updated policy framework for rice exports taking into account food security issues in conjunction with the relevant technical departments in MoIC and MAF.
- Seek validation and approval of the proposed policy and regulation documents and organize workshops to promote participation of all stakeholders.
- Finalize improved policies and strategies and ensure official approval and wide dissemination.

Deliverables

- An inception report that outlines methodology, timeline and number of policies, legislations, regulations and procedures to be reviewed and analyzed during assignment.
- A progress report that include review and cost and benefit analysis of the selected policies, legislations, regulations and procedures.
- Significant inputs in the form of short policy notes in English on regulatory and procedural issues on rice import and export to the content output of the international consultant who works on rice trade strategy.

- A final report that include proposed improvements in the current policy framework to better facilitate imports of agricultural inputs.

Reporting

The consultant will work under the supervision and report directly to the National Project Director. Reporting obligations shall include: (a) monthly activity timesheets; (b) reports and updates on legislative review, policy and strategy review etc.; (c) ad-hoc reports, as requested.

Duration

This assignment will be for 6 person months in the first two years of the project following a mobilization schedule as agreed by the National Project Director.

Experience and qualifications

The selection of this position will be primarily based on the following criteria:

- At least a bachelor's degree in commerce, international trade, trade or commercial law, agribusiness, agriculture or related field;
- Minimum 5 years working experience in import / export and international trade; with at least 2 years' experience with externally financed projects; Familiarity with policy questions relating to rice import-export, government strategies and related trade issues, including in the context of WTO integration; Past assignment in similar subject-matter in public sector institutions shall be a strong asset;
- Good interpersonal skills to facilitate dialogue with various government agencies, senior and technical staff, and the private sector and result oriented; Strong communication skills, including speaking and writing in both English and Lao languages, and ability to liaise with various stakeholders, including government and private sector; Excellent computer skills (MS Word, MS Excel).
- Good interpersonal skills and result orientation;
- Ability to work in a complex, cross-cultural working environment;