**TERMS OF REFERENCE FOR CONSULTANCY TO REVIEW LEGAL FRAMEWORK FOR THE MALAWI ANIMAL HEALTH & VETERINARY SERVICES**

**(SELECTION - FIRM)**

**MW-MOAIWD-298677-CS-CQS**

# 1. Background

The Ministry of Agriculture (MoA) in close collaboration with the Ministry of Trade (MoT) is implementing the Agricultural Commercialization Project (Project) (P158434) with financing from the International Development Association (IDA).

AGCOM is a flagship project for the Government of Malawi for transforming smallholder agriculture from mostly subsistence to commercial. This project links together producers, service providers including research and extension and off-takers in a value chain, a concept known as a Productive Alliance. AGCOM targets all competitive value chains in crops including horticulture, livestock and fisheries (especially aquaculture).

The Project Development Objective is to increase commercialization of agriculture value chain products selected under the Project. Instead of selecting the value chains in advance, The Project is purposely designed to allow the market decide which value chains and buyers have strong prospective commercial linkages. *Agricultural value chain products* are products of farms and agribusinesses, including crop, livestock, and fisheries sold domestically or exported, with or without processing, depending on market requirements. The Project has four components namely (1) Building Productive Alliances; (2) Support Investment Enabling Services; (3) Contingency Emergency Response; and (4) Project Coordination and Management.

**2. Rationale for the Consultancy to review the veterinary laws**

Although livestock value chains constitute one of the important value chains being prioritized under the Project and current agricultural diversification and investment plans, Malawi according to EBA19 report ranks very low on regulatory environment on livestock (ranks 18.3 much lower than regional and global comparators), with big gaps on quality of manufacturing feeds, registration and operations of veterinary medicinal products, and associated commercialization of such products.

The new livestock development policy (2021-2026) emphasizes commercialisation of livestock as key and the main driver for increasing investments to the sub sector. Therefore, in addition to livestock contributing towards food and nutrition security, it is also very key in its contribution towards the country’s economic growth through commercialisation and industrialisation. Effective implementation of this new policy will require it to be aligned with modern legislation which provides minimum regulatory standards for promoting trade. Whilst Malawi has adopted this new Livestock Development Policy, most livestock laws are outdated. This assignment would therefore contribute to updating the livestock laws to alight to the current policy and existing context.

Hence to address the regulatory challenges to support investments in the livestock sector, the Government of Malawi is in the process of reviewing and updating its animal health and veterinary related laws to align them with the current Terrestrial Animal Health Code of the World Animal Health Organisation, other continental and regional policies, standards and guidelines for facilitating trade in livestock and livestock products.

As a policy holder on animal health and veterinary matters, (the MoA) is looking for an experienced consulting legal firm to review the existing legislation for the Malawi animal health/veterinary laws so that they are in tandem with acceptable international standards for purposes of trade facilitation.

# Scope of work

The first phase of the assignment the consulting firm is expected to produce an inception report detailing understanding of the assignment, the methodology to be used to complete the assignment, listing of key informant personnel, institutions or firms and identification of various animal health laws to aid to the assignment.

In the second phase of the assignment, it is expected that the consulting firm will do own research and consult relevant stakeholders to review various animal health laws with the aim of identifying gaps and recommend or propose amendments that align it with new livestock policy and current terrestrial animal health code of the World Animal Health Organisation. The Lead Law and Animal health expert will work hand in hand to produce a comprehensive report on its findings.

The consulting firm will be expected to draft various Animal Health Bills and make any other considered relevant provisions in the Bill.

The consulting firm will further be expected to conduct stakeholders’ consultative workshops to present the animal health draft bill and solicit feedback. Incorporate feedback from the consultative workshops as necessary.

In the end the consulting firm will submit the draft Animal Health Bill in an acceptable format to Government through the Ministry of Agriculture and provide necessary support thereafter to the Ministry during vetting of the Bill.

The consultant shall provide a bridge between the Legislative draftspersons in the Ministry of Justice and Constitutional Affairs and the Ministry of Agriculture and shall ensure that the Bill being developed is not in conflict with the laws of the country.

# 4.0 Specific objective of the Consultancy

The consulting firm will provide guidance and advice to MoA on the development and the management of all the activities that are regulated under the animal health and veterinary laws. In particular, the consulting firm will:

3.1. Review existing laws – that are linked to the review of the existing animal health laws, including but not limited to the following, namely:

a. The Control and Diseases of Animals Act

b. Protection of Animals Act

c. The Veterinary and Para-Veterinary Professionals Act

d. The Meat and Meat Products Act

3.2. Identify gaps and inconsistences in the pieces of legislation as stated above which may have an impact on the implementation of the Animal health bill.

3.3. Drafting the Animal Health/Veterinary Bills

a. Amendment of existing legislations highlighted above

b. Draft Animal Health Bills, that is the Animal Health Bill, Animal Welfare Bill and Animal Feed Act. The draft bills shall include amongst appropriate language on the following among others:

i. provision for the Competent Authority on animal health issues

ii. movement, identification and traceability of animals

iii. Declaration of quarantine zones

iv. Slaughter of animals

v. Animal feed

vi. Savings or transitional provisions in new or amended Acts.

# 4 Key Deliverables

All deliverables shall be prepared by the Consultant/consulting firm and will produce the following:

1. An inception report within 10 days from contract signing
2. A draft report on the existing gaps and recommendations
3. Consolidated report from research and stakeholder consultations within 45 days from acceptance of inception report.
4. Draft Bills **within 60** days from stakeholder consultations.
5. Facilitate validation workshops for the draft bills within 45 days from drafting the bills
6. A final report delivered within 20 days of the validation that summarizes overall assignment progress with specific detail on key achievements and identification of on-going issues/risks to be resolved.

**5 Key Staff**

The Consulting firm must have the following specialists in its team:

1. **Animal health/livestock specialist**

* A minimum of MSc in Animal health and Livestock Development
* At least five years of experience

1. **Lawyer/Legal Expert**

* A minimum of post graduate degree in law specializing in drafting
* At least 5 years demonstrated experience and knowledge of legislative drafting with excellent writing and drafting skills.
* Specialty in analyzing and development of veterinary legislation frameworks with at least one bill drafted.
* Experience of working with the public sector in developing countries.
* Excellent communication and writing skills in English.

**6 Time Frame**

It is expected that the consultancy will be for 90 man-days over a period of 6 months.

**8 Client’s Input**

The Following Documents should be made available to the consultant/consulting firm by the client:

a. The Control and Diseases of Animals Act

b. Protection of Animals Act

c. The Veterinary and Para-Veterinary Professionals Act

d. The Meat and Meat Products Act

e. The Slaughter of Cattle Act

f. Pesticides Act

h. Public Health Act and

i. Pharmacy and Medicines Regulation Act

# 9 Reporting

The Consultant will work closely with the Department of Animal Health and Livestock Development (DAHLD) but will be reporting to the AGCOM Project National Coordinator.