



Ref: PG/SEY/0587

Terms of Reference

Legislative Drafting Expert, Government of Seychelles

1. Project Background

The World Trade Organisation (WTO) accession process of the Republic of Seychelles has for many years been delayed. It has now reached its final and most difficult and critical phase. However, one of the main challenges the Government of Seychelles (GoS) face during this crucial stage of negotiations is the limited expertise and experience, within the national institutions, in trade negotiations in general and multilateral negotiations in particular. In view of this, technical assistance from the Commonwealth Secretariat was sought to assist the institutional capacity building of the Trade Division of the Ministry of Finance, Trade and Investment, specifically in the areas of trade policy and negotiations. In response to this request a Senior Trade Advisor on Trade Policy and Negotiations was placed in the Trade Division in January 2013 to assist the GoS in this regard.

The WTO accession requires the acceding countries to accept all rules contained in WTO agreements and are required to bring national laws, regulations and practices into line with the provisions of these agreements. During the last few years the GoS had undertaken a significant amount of work to identify the required legislative changes, with technical assistance from relevant international/regional organizations and have completed drafting of some of the necessary legislations. These include *inter alia*; Customs Management Act of 2012, The Bio-Security Bill, the preliminary drafts of Seychelles Bureau of Standards Bill, Copyrights Bill and Industrial Property Bill. In addition to this, a few more laws and regulations are needed to be changed to bring them into line with the WTO requirements. Examples include: [Food Act](#), [Customs Management \(Valuation of Goods\) Regulations](#), [Customs Management \(Origin of Goods\)](#). The Trade Division is also in the process of identifying all required legislative changes and related regulations.

However, speedy passage of these WTO related bills will be hindered due to capacity constraints faced by the Seychelles' Attorney General's Office (AGO). These human resource issues are compounded by a marked increase in the AGO's Legislative Drafting Division's workload. The need for a drafting expert, specifically to address the WTO legislative requirements, was therefore identified during project design to assist the GoS in drafting national legislation related to WTO accession process.

2. **Purpose of the project**

The primary aim of the project is to strengthen the institutional capacity of the GoS in preparation of Seychelles accession to the WTO and to facilitate the advancement of the Government of Seychelles trade and development interest in the multilateral trading system. With this primary objective the specific purpose of this sub-project is to draft specific legislations required for the WTO accession as identified by the Trade Division of the Ministry of Finance, Trade and Investment.

3. **Project Outcome**

The Attorney General's Office in collaboration with the Ministry of Finance, Trade and Investment, are better able to meet the urgent legislative requirements of the Government of Seychelles in terms of compliance with WTO and international obligations.

4. **Scope of Work**

The project will provide one expert in the area of Legislative Drafting to implement this work. The expert will be based at the Office of the Attorney General, Mahe Seychelles, for a period of up to six months, **working closely with the Ministry of Finance, Trade and Investment**. Legislative drafting activities will be focused on the major pieces of legislation required to be passed in meeting national and WTO obligations.

Tasks of the Expert to include:

- Provide direct assistance in drafting national legislation specifically related to Seychelles WTO accession process.
- Assist the Attorney-General's Office in the drafting of new and pending WTO related legislation and regulations, including but not limited to Seychelles Bureau of Standards Bill (TBT); Copyright Bill and Industrial Property Bill (TRIPS); Food Act, Customs Management Regulations, or, as otherwise specified by the Attorney General.
- Participate as required in drafting meetings with client entities, meetings of the legislative sub-committee and negotiating sub-committee and any other activities pertinent to the development of the relevant legislation.
- Provide assistance (opinions and guidance) to the relevant ministries, departments and agencies in the preparation of draft Cabinet Submissions and adequate drafting instructions to facilitate the efficient drafting of the legislation.

Expected outputs will be:

- Key draft national legislation produced
- Ministries and Government Departments advised on legal and legislative issues arising in relation to proposed legislation.
- International obligations translated into appropriate laws

5. Implementation Arrangements

The expert will report directly to the Attorney General, working closely with senior staff of the Ministry of Finance, Trade and Investment, and with related Ministries and agencies as determined by the Office of the Attorney General. Day-to-day management of the expert will be undertaken by the AG, who will discuss requests, agree priorities and set the work programme. The Expert will be required to submit monthly reports, through the Attorney General, to the Project Manager in the Commonwealth Secretariat in London.

The project is sponsored by the Commonwealth Secretariat and will be managed by the Technical Co-operation & Strategic Response Group (TC&SRG), Governance & Institutional Development Division (GIDD).

6. Qualifications and Personal Specification

- A graduate degree in law and, specialisation in legislative drafting;
- A minimum of 15 years' experience in legislative drafting within a Commonwealth jurisdiction;
- Knowledge of relevant WTO agreements and its operations;
- Substantial experience in reviewing and drafting legislation notably in the areas of WTO accession requirements including but not limited to TRIPS, TBT, etc.
- Strong communication (written and verbal) and IT skills;
- Good interpersonal skills and ability to working in a team in a consultative and collaborative manner;
- Ability to constructively engage at a senior government and ministerial level.

(JL/24-April-2013)